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GENERAL PROVISIONS

§ 151.01 SHORT TITLE.

This chapter shall be known and may be cited as the subdivision control code.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.02 PURPOSE.

This chapter is adopted in accordance with the comprehensive plan for the following purposes:

(A) To assist the orderly and efficient development of the city;

(B) To promote the health, safety, morals and general welfare of the residents of the city;

(C) To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.03 COMPLIANCE REQUIRED.

This chapter shall apply to all subdivision of land within the city and shall require compliance as follows (I.C. 36-7-4-700):
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(A) No person proposing a subdivision shall proceed with any grading or improvements for streets or the installation of public utilities until the primary plat of the proposed subdivision has been approved by the Plan Commission.

(B) No person proposing a subdivision shall sell, agree to sell, transfer, lease or otherwise convey or dispose of any lot, parcel or tract in the proposed subdivision, or construct or commence the construction of any building in the proposed subdivision, until the secondary plat thereof has been approved by the Commission and recorded in accordance with the provisions hereof.

(C) No permit to erect, alter, repair or place any building upon land in a subdivision shall be issued until a plat of subdivision has been approved by the Commission and recorded, and improvements required by the Plan Commission have been constructed or the construction thereof guaranteed as herein provided.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.04 EXCEPTIONS PERMISSIBLE.

Where, owing to special conditions not intentionally created or assumed by a subdivider or owner, a literal enforcement of this chapter would result in unnecessary hardship, the Plan Commission may make some reasonable exception thereto. Such exception shall not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, and erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.05 CONFLICTS, HIGHEST STANDARD TO GOVERN.

Whenever there is a difference between minimum standards of dimensions specified herein and those contained in other regulations, resolutions or ordinances of the city, county or state, the highest standards shall govern.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.06 JURISDICTIONAL AREA.

This chapter shall apply to all incorporated land within the city.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.07 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed them respectively.

(A) "INCLUSIONS." Words used in the present tense shall include the future. The singular number shall include the plural, and the

plural the singular. The word "person" includes a partnership, a corporation and unincorporated association. The word "shall" is mandatory.

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(B) "ALLEY." A permanent service way providing secondary means of access to abutting lands.

(C) "BLOCK." Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets and railroad rights-of-way, waterways, unsubdivided areas or other definite barrier.

(D) "BUILDING." Any structure, or part thereof, affixed to the land.

(E) "BUILDING SET-BACK LINE." A line extending across a lot establishing the minimum open space to be provided between the front line of buildings and the front lot line.

(F) "CLEAR SIGHT TRIANGLE." An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.

(G) "COMMISSION OR PLAN COMMISSION." The Crown Point Plan Commission.

(H) "COMPREHENSIVE PLAN." The Comprehensive Plan of Crown Point, on file with the City Clerk-Treasurer, indicating the general locations recommended for circulation facilities, community improvements and land uses.

(I) "CROSS WALK." A public right-of-way which crosses a block to furnish access for pedestrians to adjacent streets or properties.

(J) "CUL-DE-SAC." A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

(K) "ENGINEER." The City Engineer or a designated engineering consultant.

(L) "HALF STREET." One side of a street divided longitudinally by a property line.

(M) "HEALTH BOARD." The Indiana State Board of Health.

(N) "INSPECTOR." An authorized representative of the city or the Commission assigned to make any or all necessary inspections of the work performed and materials furnished by the developer.

(O) "LOT." A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development. In determining the size of a lot, no part of a street right-of-way or cross walk may be included.

(P) "LOT DEPTH." The mean horizontal distance between the front and rear lines of a lot.

(Q) "LOT DOUBLE FRONTAGE." A lot, the generally opposite ends of which both abut on streets.
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(R) "LOT WIDTH." The mean horizontal distance between side property lines of a lot.

(S) "PLAT." A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

(T) "STREET." A right-of-way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. A street may also be identified according to type of use as follows:

(1) "ARTERIAL STREETS." Street providing for traffic movements between traffic generation areas.

(2) "SECONDARY STREETS." Streets providing connection primarily between arterial streets or arterial and local streets.

(3) "LOCAL STREETS." Streets serving primarily as access to abutting properties not intended as major arteries carrying through traffic.

(U) "SUBDIVIDER." Any person who undertakes the subdivision of land as defined herein. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

(V) "SUBDIVISION."

(1) The division of a parcel of land into lots, parcels, sites, units, plats, or interests for the purpose of offer, sale lease, or development, either on the installment plan or upon any and all other plans, terms or conditions, including resubdivision, subdivision includes the division of development of land zoned for residential and nonresidential uses whether by deed, metes, and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

(2) Exempt Divisions - the following parcels are exempt from the definition of "subdivision" as found in § 150.02(A):

(a) Division of land for agriculture purposes only;

(b) Division of land into 20 acre parcel or more for single family residential use, provided parcel meets the minimum lot frontage requirement and not involving any new street or easement of access.

(c) Parcels and lots of record prior to adoption of Ordinance 766 passed 12-2-68.

(W) "WATERCOURSE." Includes channel, creek, ditch, drain; river and stream.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97; Am. Ord. 1924, passed 12-7-98)

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PROCEDURE FOR SUBMISSION OF PLATS

§ 151.10 ADVISORY MEETINGS (WORKSHOPS).

A person desiring approval of a plat of a subdivision may appear before the Plan Commission to discuss his proposal before filing an application for primary plat approval. No fee or formal application is required for this meeting. Its purpose is to save the subdivider time and money.

(A) The subdivider should submit a letter of intent describing generally the area which he intended to subdivide and setting forth such items as:

(1) The proposed use of the land, its present zoning, and any change of zoning needed;

(2) Existing features and land characteristics of the area;

(3) The approximate size of the proposed development;

(4) Availability of park, recreation and school facilities;

(5) Availability of city and other utilities, and proposed plan for securing water, and disposing of sewage and storm water;

(6) Proposed access to existing streets; and,

(7) A description of any other miscellaneous developmental features.

(B) The subdivider should be prepared to discuss the details of his proposed subdivision, and should also submit a sketch plan as outlined in § 151.21.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.11 PRIMARY PLAT, APPLICATION AND SUBMISSION.

After the advisory meeting, the subdivider shall submit an application for approval of a primary plat to the Commission. The application shall be on a form provided by the city and shall be submitted at least 12 days prior to the regular commission meeting at which the application is to be considered. The application shall be accompanied by the following:

(A) Eight copies of all maps and data as set forth in § 151.22.

(B) A check or money order to cover the cost of checking and verifying the proposed plat, in the amount set forth in § 151.55.
(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

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§ 151.12 PRIMARY APPROVAL OF APPLICATION.

The Commission shall review the application at its next regular meeting after proper submission and shall give workshop approval or return the application to the subdivider with reasons for disapproval. If workshop approval is given, the Commission shall proceed as follows:

(A) Copies of the maps and data sheets submitted shall be delivered to the engineer for his consideration and recommendations.

(B) Copies of the maps and data sheets submitted shall be delivered to the local telephone, gas and electric companies for their consideration and recommendations as to the adequacy of the utility easements. The Commission shall also secure recommendations for street lighting for the proposed subdivision and the amount of deposit in excess of the anticipated revenue which will be required by Northern Indiana Public Service Company prior to making street light installations.

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(C) Upon receiving recommendations from the engineer to the local telephone, gas and electric companies, the Commission shall notify the applicant of any changes which have been recommended, in order that the subdivider may make such changes. The Commission shall then set a date for a public hearing, notify the applicant in writing, and notify by general publication and otherwise any persons or governmental units having a probable interest in the proposed plat. Publication of the notice of public hearing shall be at the applicant's expense.

(D) After public hearing, the Commission shall approve, conditionally approve, or disapprove the primary plat, setting forth reasons and providing the subdivider with a copy. If the primary plat is disapproved, the subdivider may submit a new primary plat.

(E) Approval of a primary plat shall be effective for a period of 12 months, unless extended for good cause by the Commission. No extension shall exceed 12 months.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.13 SECONDARY PLAT.

After primary plat approval is obtained, the subdivider shall submit a secondary plat to the Plan Commission as set forth in § 151.23 of these regulations. The secondary plat shall be accompanied by:

(A) Twelve black or blue line prints, three reproducible ink tracing of the plat upon tracing cloth or film (mylar), and one plat drawing recorded on computer disk in AutoCAD format specified by the engineering department.

(B) A certificate that all improvements required by this chapter and applicable ordinances have been installed in accordance with specifications and standards of construction of the city; or

(C) A bond to the city guaranteeing that the improvements will be installed, or a deposit of funds or securities in escrow that will cover the cost of the improvements as estimated by the engineer, and set forth in § 151.24. Such bond or escrow shall be fixed and approved by the Board of Public Works and Safety, and may be released only by the city, as hereinafter provided.

(D) A check or money order to cover the cost of inspecting the installation of the improvements in the amount set forth in Table "C".

(E) A check or money order to cover the amount of deposit in excess of anticipated revenue required by Northern Indiana Public Service Company prior to the making of street light installations, which shall be paid over to Northern Indiana Public Service Company by the city.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.14 SECONDARY PLAT APPROVED.

If the Plan Commission finds that the secondary plat is in accordance with the requirements of this chapter, the president and

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secretary, or other authorized members, shall endorse the plat and return it to the subdivider. If disapproved, the Commission shall attach to the original tracing of the secondary plat a statement of the reasons for such action and return it to the subdivider.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.15 RECORDING.

No plat shall be recorded until approved by the Commission and signed by the commission officers. Unless a plat is duly recorded within 180 days from the date of secondary plat approval, the Commission approval of the plat shall expire and shall be of no effect until reinstated.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

PLAT SPECIFICATIONS

§ 151.20 GENERAL REQUIREMENTS.

In a subdivision for residential use of less than five lots and where the lots abut existing public roads and utilities, the Commission may waive data requirements such as topographic, street and utility information where the Commission deems such information is unnecessary.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.21 SKETCH PLAN.

(A) Sketch plans submitted to the Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than 100 feet to an inch and shall show the following information:

(1) Legal description of the subdivision;

(2) Proposed name;

(3) Date, scale, and north arrow;

(4) Name and address of the owner, subdivider, planner, and engineer or surveyor preparing the plat;

(5) A small scale drawing of the section or government subdivision of the section in which the subdivision lies, with the location of the subdivision indicated thereon;

(6) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land;

(7) Present zoning and requested zoning;

(8) Location, widths, type of construction of all existing and platted streets, alleys or other public ways and easements, railroad

and utility right-of-ways, parks, cemeteries, watercourses, drainage ditches and wetlands, regulated drains, soil erosion control measures, swamps, low areas subject to flooding, permanent buildings, bridges, and other pertinent data as determined by the Plat Officer.

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(9) Indication of the gross land area of the subdivision and computation of the density as defined in this chapter;

(10) Type of development anticipated on the lots;

(11) General statement as to how surface water drainage will be handled;

(12) General statement as to how sewage will be treated and how domestic water will be supplied;

(13) Topographic information, which may be of a very general nature, such as is obtainable from U.S.G.S. maps or elevations. Such topographic information shall be referenced to U.S.G.S. datum;

(14) Proposed layout width of all new streets and proposed pavement widths;

(15) All soil types according to the published soil survey;

(16) Approximate location and area of property proposed to be dedicated for public use, or to be reserved by deed covenant, for use of all property owners in the subdivision with the proposed conditions, if any, of such dedication or reservation;

(17) Lot numbers and lot dimensions;

(18) If the individual lot sewage disposal systems are proposed in the subdivision, soil maps prepared from the published soil survey showing all soil types

(19) Such other information shall be supplied by the subdivider which may be deemed necessary by the Plan Commission or staff toward proper sketch plan review.
(Ord. 1861, passed 8-4-97)

§ 151.22 PRIMARY PLAT.

The following maps and data shall be submitted with the application for primary plat approval. These maps and data may be on separate sheets or combined on one sheet, depending on the size and complexity of the proposed subdivision.

(A) Location map of the proposed subdivision showing:

(1) Location within the city;

(2) Zoning of the tract and adjacent properties.

(3) Existing related streets including the distance therefrom.

(B) Site map of the proposed subdivision and all lands within at

least 100 feet of its boundaries showing:

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(1) Contours of the site at vertical intervals of two feet if the general slope is less than 10%, and at intervals of five feet if the general slope is greater than 10%;

(2) Character and location of natural or artificial features existing on the land which would affect the design of the subdivision, such as wooded areas, streams, direction and gradient of ground slope, embankments, retaining walls, buildings, or nonresidential usage of land;

(3) Names of owners of properties adjacent to the subdivision; provided, that the Commission may make reasonable modification of this requirement where ownerships are numerous.

(4) Existing and proposed streets and rights-of-way, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs and sidewalks;

(5) Finished land grades throughout the subdivision to eliminate ponding of water and to prevent erosion by surface runoff;

(6) Existing and proposed easements, including widths and purposes;

(7) Utilities, including the size, capacity, and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, and power lines;

(8) Areas subject to periodic overflow of flood or storm waters and wetland delineation;

(9) Subsurface conditions, including information about ground water levels and soil type;

(10) Tract boundary lines by calculated distances and bearings;

(11) Proposed tree plantings and landscaping; and

(12) Title, graphic scale, north point and date.

(C) Subdivision plat of the proposed subdivision drawn at a scale no smaller than 100 feet to one inch showing:

(1) Subdivision name;

(2) Names and addresses of owner, subdivider, and person who prepared the plan;

(3) Street pattern, including the names (which shall not duplicate existing streets in the city unless it is an extension of an existing street), widths of rights-of-way of streets, widths of easements for alleys, approximate grades of streets, widths of

easements for alleys, approximate grades of streets where they exceed
8%;

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(4) Layout of lots, including dimensions, numbers, building set-back lines or front yard lines;

(5) Parcels of land dedicated or reserved for schools, parks, playgrounds or other public or community use;

(6) Key plan, legend, notes, graphic scale, north point and date.

(D) Engineering plans for the proposed subdivision showing:

(1) Profiles, cross-sections and specifications for proposed street improvements;

(2) Profiles and other explanatory data concerning installation of water distribution systems (including fire hydrant locations), storm sewers, and sanitary sewers;

(3) A report on the feasibility of connection to an existing sewage system, including distances to the nearest public sewer, service load of the subdivision, and capacity of the treatment plant;

(4) If connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system and treatment works for the subdivision, including the design population, type and location of the treatment plant and the receiving stream;

(5) If connection to a public or a private sewerage system is not feasible, a report on the feasibility of on-lot sewerage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, water courses, ground water table and elevations, and the results of soil percolation tests for each individual lot conducted in accordance with the recommended practices of the state board of health.

(E) Restrictions and protective covenants to be adopted in the secondary subdivision plat.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.23 SECONDARY PLAT REQUIREMENTS.

The secondary plat shall be drawn at a scale no smaller than 100 feet to one inch. The secondary plat shall show:

(A) Subdivision names, names and addresses of owner and subdivider, evidence of title of land as shown by the books of the county recorder, graphic scale, north point, date, certificate of approval of Plan Commission.

(B) Survey data with certification by a registered professional engineer or land surveyor, showing:

(1) Calculated distances and bearings of the subdivision boundaries, lots, utility easements, streets, alleys, building setback

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lines, and parcels of reserved or dedicated land for community purposes;

(2) Location and distances to the nearest established street corners or official monuments, and of the streets intersecting the boundaries of the subdivision;

(3) Location, type, material and size of monuments;

(4) Complete curve data;

(5) Lot numbers, house numbers and street names;

(6) Finished land grades;

(7) Notations as to whether improvements are dedicated or not. (Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.24 PERFORMANCE BOND REQUIREMENTS.

The secondary plat shall not be submitted to the County Recorder for recording until one of the following has been accomplished:

(A) The streets and other improvements required by this chapter are accepted by the Board of Public Works and Safety.

(B) A performance bond running to the city is executed by the subdivider and is approved by the City Engineer. Said performance bond shall be 100% of the estimated cost of all streets and public improvements, plus a 10% inflation add-on figure per year of performance bond which this chapter requires and which are shown on the approved plans and specifications. The amount of the bond shall be fixed by the City Engineer based on costs which are current in the trades for like items of construction and for installation. All bonds shall be with a company licensed to do business in the state. Performance bonds shall specify that all improvements will be installed within a period of two years.

(C) Upon approval by the City Engineer, two separate performance bonds may be posted: one for road construction and storm water management systems; and one for sidewalks, street signs, landscaping, monuments, trees, etc.

(D) Cash, or other acceptable negotiable securities, is posted with the Clerk Treasurer in lieu of the performance bond.

(E) It is further understood that this performance bond assures all snow removal and other maintenance of roads and other improvements as stated in aforementioned paragraphs to be rendered and completed by the developer prior to release of said bond.

(F) It is further understood that this bond shall cover as-built

plans on said improvements. Prior to the release of the two year performance bond, the subdivider shall provide a map showing all

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permanent improvements installed within the subdivision, including relocation of streets sanitary and storm sewer improvements, water mains, valves and stubs, and other permanent improvements, and shall not be released until the subdivision is certified by Plan Commission according to the approved plans certified by a Civil Engineer registered in the state. Four copies of the plans shall be submitted to the City Engineer with proper signatures and seal pursuant to the City Ordinance.

(G) It is further provided that one extension for a period of one year may be granted by the Board of Public Works and Safety at current cost estimates.

(H) No building permits shall be issued in a subdivision with delinquent bonds.

(Ord. 1861, passed 8-4-97)

DESIGN STANDARDS

§ 151.25 PURPOSE.

The purpose of this section is to provide for reasonable and acceptable standards of subdivision and site design. These standards will foster functional and attractive subdivision development, minimize adverse impacts of improper design, and insure that subdivision development remains a community asset. In order to promote this, subdivisions herein shall conform to the following standards which are designed to result in a well-planned community without adding unnecessarily to development costs. These standards are considered minimums in terms of acceptability.

(Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

§ 151.26 GENERAL REQUIREMENTS.

The Plan Commission shall not approve any plat unless the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood, or other hazard.

(Ord. 766, passed 12-2-68; Am. Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

§ 151.27 STREET AND ROAD SYSTEMS DESIGN.

The street system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of present and expected future populations; to have a simple and logical pattern; to respect natural and topographic features so as to result in usable lots, reasonable grades both for streets and driveways intersecting therewith; and to promote an attractive streetscape.

(A) Streets shall be classified in a street hierarchy with design tailored to function. Residential street systems shall be

designed to meet the needs of the planned neighborhood and, where applicable, provide an alternate to through traffic.

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(B) Street design standards shall vary according to the City Engineer, adhering closely to Appendix "A".

(C) Streets shall be constructed in accordance with the standards in Table A which is attached to Ordinance No. 1807, passed July 3, 1996, and which is incorporated herein by reference.

(D) Street layout shall not isolate or landlock adjacent or nearby parcels of undeveloped property from existing public streets.

(E) Local street intersections shall be at 90-degree angles when possible with a minimum intersection length of 100 feet, but never less than 80 degrees. No more than two streets shall cross at an intersection. Opposing "T" type intersections shall require a minimum separation distance of 200 feet measured from centerline to centerline.

(F) Cul-de-sac streets are allowed provided that the maximum distance a cul-de-sac extends from an intersection is 600 feet, measured along the centerline including a turnaround with an outside curb radius of at least 50 feet and a right-of-way radius of not less than 70 feet.

(G) Private streets (driveway easements) are unacceptable in most instances. Exceptions will be considered for planned unit developments, cluster, and condominium developments. Approval of private roads shall be granted by the Plan Commission and City Council and built to standards set forth by the Plan Commission.

(H) Marginal access streets (frontage roads) may be required when a subdivision abuts or contains a proposed extension of a collector or arterial street. These are required for adequate protection of commercial and/or residential properties, to afford separation of through and local traffic, and to retain the traffic-carrying capacity of the collector and arterial streets. A 15-foot wide landscaped area shall be required between the marginal access street and the collector or arterial street. This marginal access street shall be dedicated to the public.

(I) Where topography and the size of the parcel allow for curvilinear local road layout and design, such design shall be utilized in the full development and subdivision of the parcel and will receive approval by the city.

(J) A subdivision or an extension of an existing subdivision which creates a total of 40 or more lots shall require two or more points of access to publicly dedicated primary roads build to city specifications.

(K) All construction shall be performed in the manner prescribed in the current addition of Standard Specifications of the State Highway Department of Indiana and in the manner prescribed in any

subsequent and applicable City Ordinance. In any instance where conflicting requirements may appear between Standard Specifications and applicable City Ordinance, the City Ordinance Regulation shall be binding. As a minimum, all streets shall be constructed with ten inches of compacted

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aggregate base (slag is prohibited), plus three inches of H.A.C. Binder Course, and two inch H.A.C. Surface Course. A Tensar Geo Grid or other equivalent material shall be placed immediately below the ten inch compacted aggregate base, as shown in Appendix "A". All subterranean construction below street pavements shall be backfilled with a material approved by the City Engineer. Prior to placing the street surfacing, adequate sub-surface drainage for the street shall be provided where necessary. Concrete pavement (rigid pavement) can be used by the subdivider. Minimum consistency for the concrete shall conform to standards set forth in the Indiana Department of Transportation Standard Specifications and referencing the standards in the American Association of State Highway and Transportation Officials. Minimum requirements for concrete pavement shall be a six inch concrete slab on top of a two inch sand pad. In the event the subdivider elects to use concrete pavement, he shall submit three copies of a construction plan to the City Engineer and shall have this plan approved by the City Inspecting Officials before concrete street construction is begun.

(Ord. 766, passed 12-2-68; Am. Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

§ 151.28 CURB AND GUTTER.

Curb and gutter shall be required for the purposes of drainage, safety, prevention of unnecessary maintenance, and delineation and protection of the pavement edge in all major subdivisions. A variance from this requirement may be allowed for subdivisions in or near the agricultural zoning districts.

(A) Curb style and requirements shall vary according to the City Engineer.

(B) Curbing shall be designed to provide for handicapped accessible ramps to allow for bicycles and wheelchairs at street intersections and other areas as may be required by the City Engineer.

(C) Curbing shall without exception be concrete and shall be constructed in accordance to the specifications of the City Engineer.

(D) A minimum distance of two feet shall separate curbs from walkways and bicycle pathways.

(Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

§ 151.29 WALKWAYS - BICYCLE PATHWAYS.

Pedestrian walkways shall be required for safety and located where necessary to reduce or eliminate potential vehicle/pedestrian conflicts.

(A) Pedestrian walkways shall be required for all major subdivisions and along all collector and arterial streets.

(B) Pedestrian ways shall be placed on both sides of the street and parallel to it within the dedicated nonpavement right-of-way, with exceptions permitted to preserve natural features or where slope makes pedestrian systems impractical. They shall also conform to construction

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requirements of the City Engineer and shall be five feet in width and made of concrete. These pedestrian walkways shall have a handicap accessible ramp where they intersect streets.

(Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

§ 151.30 LOTS.

Lots shall conform to the requirements of the city zoning ordinance for minimum square footage and lot frontages for the zoning district within which plat is located.

(A) Corner lots shall exceed by a minimum of ten feet the width requirements of the city zoning ordinance in order to accommodate the additional setback requirements.

(B) Residential lots shall not face onto a freeway right-of-way, arterial or collector street, or other nonresidential zoned property, but may front upon a marginal access street. Lots on a cul-de-sac which open onto a major street and which may front nonresidential zoned areas or freeway rights-of-way, arterial or collector streets may be allowed.

(C) All lots shall abut, with their entire frontage, on a dedicated public street, or private street as approved by the Plan Commission.

(D) Lots extending through a block and facing two streets are prohibited, except where a lot may back up to a freeway right-of-way, arterial or collector street, or nonresidential zoned area, provided that a 20-foot wide landscaped buffer area with a minimum five-inch high berm with evergreen plantings separate the lots from a freeway right-of-way, arterial or collector street, or nonresidential land use.

(E) For lots abutting lakes, streams, other water bodies, and dedicated open areas such as parks, that portion of the lot facing that amenity may be designed on the plat as the front, provided that the setback from the street is equal to the setback required for the front. In no case, however, shall the front setback be less than that required by the zoning ordinance.

(F) Lot lines shall be perpendicular to the street right-of-way and radial from curvilinear streets. Side lot lines should be straight unless made impractical by natural features or street curves. Variations shall be allowed by the Plan Commission where variation from these requirements results in a better arrangement of lots.

(G) Lots shall not be platted within the floodplain of any water body located in the city or upon other lands in which in the opinion of the City Engineer would increase the danger to health, life, or property, or increase flooding hazard. These lands shall be set aside

for other uses such as parks or open space.

(H) Lots shall be divided according to the number of units for platting purposes to assure proper assignment of tax key numbers. (Ord. 766, passed 12-2-68; Am. Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97; Am. Ord. 1941, passed 6-7-99)

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§ 151.31 BLOCKS.

Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this provision may be made for blocks adjacent to nonresidential uses, arterial and collector streets, freeway rights-of-way, railroad right-of-way, river, and/or other open watercourses.

(A) Blocks shall ordinarily have a length greater than 400 feet from centerline to centerline of intersecting streets.

(B) Blocks shall ordinarily not have a length greater than 1,000 feet from centerline to centerline of intersecting streets.
(Ord. 766, passed 12-2-68; Am. Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

§ 151.32 UTILITIES.

(A) Storm water facilities. No plat shall be approved by the city which does not adequately provide for storm and flood water management features including, but not limited to, detention and retention areas, piping, runoff channels, and basins, and no subdivision shall be approved unless adequate drainage will be delivered and provided to an adequate drainage watercourse or facility. Such facilities may be required by the City Engineer to be oversized to accommodate upstream drainage or minimize the impact of the proposed subdivision on the downstream drainage area.

(1) The location of storm water utility lines where practical shall fall within the dedicated right-of-way of existing and proposed streets according to the specifications and standards of the City Engineer.

(2) Where public storm sewers are available, the applicant shall install storm sewer facilities and be required to hook up to these existing facilities. However, where such public facilities are not available, adequate provision shall be made on-site.

(3) Culverts and other drainage features shall in each case be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside of the proposed subdivision. Such sizing shall be based upon accepted standards and specifications promulgated by the City Engineer.

(4) Drainage features on-site shall also take into consideration downstream watercourse drainage and shall be designed so that additional runoff to downstream facilities shall not be overburdened.

(5) Low-lying lands, wetlands, and lands along watercourses which are subject to flooding or overflow during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage areas. Such lands

subject to periodic flooding shall not be computed in determining the number of

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lots to be utilized for average densities, nor for computing the area requirements for lots.

(6) Drainage easements incapable of inclusion in the road right-of-way shall be perpetual and unobstructed having a minimum width of 20 feet, have satisfactory access to the road, run parallel with the lot lines where practical, and be acceptable to the City Engineer.

(7) Storm sewer design shall be based upon ten-year storm.

(8) Retaining/detaining pond size shall be calculated at 150% of the general rule calculation.

(B) Water and sewer. All transmission lines for water and sewer utilities shall be located within the street right-of-way. Where such transmission lines run between subdivisions, and/or are extended from an existing subdivision or to a proposed subdivision, easements shall be located between and run parallel with property lines. Easements shall be unobstructed and shall be a minimum of 20 feet in width, or ten feet on each side of the property line.

(C) Gas, wire and cable utilities. All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the subdivision. Required aboveground servicing equipment of underground distribution lines is exempt from this requirement. This may include, but not be limited to, surface-mounted transformers, power terminal pedestals, meters and meter boxes, street lights and street light poles.

(D) Easements for all underground utilities listed in division (C) above shall be located within a ten-foot easement provided by the proprietor on each side of the street right-of-way. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision, and shall be perpetual easements located immediately adjacent to the street right-of-way.

(E) The water and sewer facilities for subdivisions shall meet all applicable city, county and state regulations.

(F) Water mains shall be a minimum of six inches in residential areas and eight inches in business and industrial areas.

(G) Sanitary local sewers shall be a minimum of eight inches, inside diameter.

(1) All laterals shall have a bedding of stone;

(2) Residential taps shall be a minimum of six inches;

(3) Industrial taps shall be a minimum of eight inches; and,

(4) With industrial taps, a 4' x 4' inspection manhole shall be

installed between the building and city main sewer.

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(H) Lights shall be installed in all residential subdivisions. Lighting for safety shall be provided at intersections and along walkways.

(I) Wetwells must follow the following guidelines:

(1) Cover must have at least 4' x 2.5' stainless steel access door;

(2) Pump controls will be made of non-corrosive materials (no copper);

(3) All guide rails, chains, cables, etc. will be made of non-corrosive materials; and

(4) All hardware mounting power cords, tubes, floats, guiderails, and chains will be braced using stainless steel brackets, nuts and bolts

(Ord. 1807, passed 7-3-96; Am. Ord. 1861, passed 8-4-97)

§ 151.33 WATER AND SEWER SYSTEMS; LIFT STATIONS.

The water supply and sewage disposal systems for the subdivision shall meet the design standards and requirements of the state board of health, city standards for construction adopted for the city water and sewer departments, and all other applicable city, county and state regulations.

(A) Water mains in residential areas shall be minimum of six inches.

(B) Water mains in business and industrial areas shall be a minimum of eight inches.

(C) Hydrants shall be the same as presently used throughout the city with two 2½ inch openings and one 4½ inch pumper nozzle, all National Standard thread. Hydrants shall be placed along streets not more than three feet back of the curb line, at intersections whenever possible. The maximum distance between hydrants and valves in residential areas shall be 450 feet and in business and industrial districts 350 feet.

(D) Sanitary house connection sewers shall be a minimum of six inches, inside diameter.

(E) Sanitary local sewers to serve a subdivision, or a part thereof, shall be a minimum of eight inches, inside diameter.

(F) Lift stations. Where lift stations are required due to topography conditions as determined by the City Engineer, they shall be designed to the specifications and standards of the state board of health and the current Ten States Standards and shall be submitted to

the state board of health for approval. In addition the following minimum requirements shall be met.

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(1) Depending upon the capacity of the lift station and other design considerations, the lift station may be constructed at the site, consisting of reinforced concrete or other approved materials, or may be a steel or concrete pre-fab or pre-cast set in place at the site. For small capacities of less than 250 gallons per minute (g.p.m.) per pump, submersible pumps complete with necessary fittings, controls, and alarms, installed in a reinforced concrete or other approved chamber, may be used.

(2) Alarms shall be provided which will indicate power failure and high water. The alarms shall be provided with remote connection to the wastewater department or another city facility as designated by the City Engineer.

(3) All panels, disconnect switches, controls, weatherheads, lighting, and alarms shall be mounted in or on a panel or other enclosure which is secure from vandalism, including shots from firearms, rock throwing, or other destructive acts.

(4) The lift station site shall be enclosed with fencing or other approved means at a minimum of six feet in height, with an additional three-strand barb wire security fence provided above the top. A gate of sufficient width to accommodate vehicle traffic (ten feet minimum) shall be provided. A heavy-duty padlock or other keyed locking device complete with two keys shall be provided. A hard surface access road shall be provided to the site and on the site from the public street. The remaining area of the site shall be seeded and provided with landscaping in the amounts of not less than one bush or tree per 50 square feet of fenced site area. The electrical and alarm panels and housing shall be located within the fenced site area, positioned in a manner to reduce vulnerability to vandalism. The fenced site area shall be sufficient in size to provide ease of access to the station and provide ample space to park the standby power equipment.

(5) The lift station shall be equipped with a permanently mounted generator to automatically supply power to the station equipment in case of emergency.

(Ord. 766, passed 12-2-68; Am. Ord. 1202, passed 1-4-82; Am. Ord. 1861, passed 8-4-97)

§ 151.34 PARKS.

(A) Prior to any secondary plat approval, any reference to a designated area for use as parks, shall first have the opinion and recommendation of the parks and recreation committee insofar as the desirability, the size and the type or kind of park intended.

(B) No secondary plat approval shall be given until provision has been made in the form of posting a bond to insure the development of any area platted for park purposes.

(C) In no way shall the city accept any area dedicated to park purposes unless specifically done so by resolution by the board of public works.

(Ord. 872, passed 12-3-73; Am. Ord. 1861, passed 8-4-97)

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IMPROVEMENTS

§ 151.35 GENERAL REQUIREMENTS FOR IMPROVEMENTS.

All of the required improvements specified in §§ 151.35 through 151.44 shall be constructed in accordance with the design standards set forth in §§ 151.25 through 151.34, and also in accordance with any other duly adopted city standards for construction and all other applicable city, county and state regulations.

(A) When the subdivider begins construction of his improvements before the Plan Commission has approved the secondary plat, written authorization shall be obtained from City Engineer. In any event, no work shall begin before the primary plan has been approved by the Plan Commission.

(B) When construction of improvements is started based upon primary plan approval, all improvements shall be completed within one year from the date of such approval. Should unusual circumstances develop, or if the scope of the work is extremely large, the Commission may grant an extension for a period of one year.

(C) During the course of construction of the improvements, the subdivider shall be required to notify, in writing, the City Engineer at least 24 hours before each of the following operations in order that the Inspector may make required inspections:

(1) Before base material is deposited in place for inspection of all street sub grades, especially areas where backfilling was placed over subterranean construction, and curb and gutter construction;

(2) Before bituminous topping is placed on the base material for inspection of the base construction.

(3) Before finished surface is applied on the bituminous binder coat for inspection of bituminous surface.

(D) It is essential that these inspections be made in order for the city to ascertain the quality of construction prior to accepting improvements for public maintenance. The subdivider shall pay a fee for the required inspections. The total fee for a subdivision shall be determined on an individual lot basis and shall be \$5 per lot per inspection with a minimum fee of \$20. This fee is to be paid to the Clerk Treasurer and to be given quietus to the Motor Vehicle Fund. If a re-inspection is necessary, the same \$5 per lot per inspection with a minimum fee of \$20 fee shall apply, as per Table "C".

(E) No later than five days after the date of each inspection, the City Engineer shall notify the subdivider in writing of the results of the inspection. Before the Board Public Works and Safety accepts streets and improvements, all inspection fees as required above shall have been paid.

(Ord. 1861, passed 8-4-97)

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§ 151.36 MONUMENTS AND MARKERS.

Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.37 STREETS TO BE GRADED AND SIZED AS SHOWN ON PLANS AND PROFILES.

The streets shall be graded to the grades and dimensions shown on plans and profiles and approved by the commission and shall include the following improvements:

(A) Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.

(B) Curbs of concrete shall be required on all streets.

(C) Pavement shall be required on all streets and shall be of a material and thickness approved by the City Engineer in accordance with the latest standard specifications for road and bridge construction and maintenance of the state highway commission, per § 151.27.

(D) Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs. (Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.38 STORM DRAINAGE.

The construction of a storm drainage system shall conform to the following requirements:

(A) Drainage ditches or channels shall have a minimum design velocity of two feet per second with bottom of ditch or channel to be sod or concrete.

(B) Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.

(C) Storm drainage shall be designed and located so that footing drains may be connected thereto, and all footing drains shall be connected to the storm sewer.

(D) When top soil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose materials, the subdivider shall be required to see or provide other means to

prevent the wash from damaging adjacent property or accumulation of street surfaces. The subdivider is also responsible for keeping streets clear

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of any debris, mud, stone, snow, etc., while development is in progress.

(E) It is the responsibility of the owner and occupier of each lot or parcel of real estate, and any contractor's performing service thereon or for said owners or occupiers of land, to maintain and keep all recorded drainage easements and drainage swales located on or adjacent to their land free of all obstructions or take or permit any action that will hamper, impede or change the flow of storm water runoff in and along said easements. Any person or entity in violation of this section shall be cited and subject to the actions or penalties provided for in § 151.99

(Ord. 766, passed 12-2-68; Am. Ord. 1199, passed 1-4-82; Am. Ord. 1861, passed 8-4-97; Am. Ord. 1894, passed 5-4-98)

§ 151.39 WATER SUPPLY.

Where public water supply is available, as determined by the Commission the subdivider shall connect to such public water supply and construct a system of water mains with a connection for each lot.

(A) Where public water is not available, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if the evidence is deemed not acceptable. Copies of well logs from the test wells which are obtained shall include the name and address of the well driller, and shall be submitted with the plan to the Commission.

(B) If a private water supply is permitted, individual private wells shall be located at least 25 feet from property lines; 50 feet from all septic tanks; approximately 100 feet from all tile disposal fields and other sewage disposal facilities; ten feet from all cast-iron sewer lines; 30 feet from any vitrified sewer tile lines; and shall not be located within any floor plan. (Ord. 766, passed 12-2-68)

(C) Where a private water supply is permitted, its use shall be discontinued when a public water supply becomes available. (Ord. 1861, passed 8-4-97)

§ 151.40 SEWERS.

(A) A subdivider shall provide the subdivision with a complete sanitary sewer system and a complete storm drainage sewer system. Private sewerage disposal systems in residential subdivisions shall not be permitted.

(B) In the case of a commercial or industrial subdivision where the municipal sewerage system is not reasonably accessible to the subdivision, an approved package plant sewerage disposal system serving the entire subdivision may be permitted; or, if the soils and

land area permit, private sewerage disposal systems on individual lots, consisting of septic tanks and tile absorption fields, may be

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permitted. However, when the municipal sewerage lines of sufficient size and capacity shall be within 300 feet of any subdivision boundary, the developer, his grantees, successors, and assigns to the real estate shall timely connect the sanitary and storm drainage sewer discharges, respectively, to these sewer lines, by the construction of sanitary and storm sewers.

(1) The total cost thereof shall be paid by all fee owners of real estate in the subdivision, in proportion to the acreage owned in relationship to the aggregate acreage in the subdivision, exclusive of dedicated streets, septic fields, and common retention ponds. The sanitary and storm drainage sewers shall then be dedicated to the city.

(2) The cost shall be due and payable to the city upon approval of the construction of the improvements and acceptance thereof by the city works board. Interest thereon shall accrue at the legal rate, and the Clerk-Treasurer shall collect the same.

(Ord. 766, passed 12-2-68; amend. Ord. 119, passed 1-4-82; Am. Ord. 1861, passed 8-4-97)

§ 151.41 UTILIZES.

Every lot in a subdivision shall be capable of being served by utilities, and the necessary easements shall be provided. Electric, gas, and other utility distribution lines shall be installed within public rights-of-way, or within properly designated easements. To the fullest extent possible, underground utility lines located in street rights-of-way shall not be installed beneath existing or proposed paved areas, and in any case shall be installed prior to the placement of any paving.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.42 TREES.

(A) As a requirement of the subdivision approval, the developer shall plant shade trees on the property of the subdivision. Trees are to be planted no closer than 30 feet, nor further apart than 60 feet. Trees may be planted in the front of the building line, including the right-of-way of the road, between the sidewalk and curb. A waiver may be granted by the Plan Commission Board if there are trees along the right-of-way or on abutting property which, in the opinion of the Plan Commission, comply with the intent of regulation.

(B) The type of trees shall be determined by the subdivider, except that it must comply with Table B: "List of Prohibited Trees for Street Planting." Newly planted street trees shall have at least one and one-half inch caliper, measured one foot from the ground. Street trees located between the curb and sidewalk shall be located such they will not cause damage to the street, sidewalk and/or underground or above-ground utilities. Location of street trees shall be reviewed by the Engineering Department.

(C) The developer shall deposit with the city, prior to the recording of the subdivision plat, cash or other acceptable negotiable

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security accepted by the City Board of Public Works and Safety and deposited with the City Clerk/Treasurer in the amount of \$75 per required tree as determined by the Engineering Department, per Table "C."

(Ord. 1861, passed 8-4-97)

§ 151.43 STREET SIGNS.

The developer shall deposit with the city, at the time of secondary subdivision approval, the sum of \$100 for each road sign required by the City Engineer, per Table "C". The city shall install all road signs before issuing a certificate of occupancy for any residence on the street.

(Ord. 766, passed 12-2-68; Am. Ord. 991, passed 11-7-77; Am. Ord. 1861, passed 8-4-97)

§ 151.44 STREET LIGHTS.

The developer shall deposit with the City Clerk-Treasurer, at the time of the secondary subdivision approval, the sum of \$1,000 as security for each street light required by the Advisory Plan Commission to be installed as shown on the subdivision plat, per Table "C". In lieu of a cash deposit, the developer may be allowed to post a suitable bond or commercial letter of credit approved in advance by the city Legal Department.

(Ord. 1462, passed 5-2-88; Am. Ord. 1861, passed 8-4-97)

ACCEPTANCE OF IMPROVEMENTS

§ 151.45 INSPECTION.

When the plans of streets and other improvements have been approved, as provided in this chapter, the subdivider shall, before commencing construction or installation of the streets or improvements, notify the City Engineer of his intention to proceed.

(A) Final acceptance of all streets and certain improvements is the responsibility of the Board of Public Works and Safety.

(B) When the subdivider has completed construction of the improvements, he shall notify the City Engineer by letter of this fact and formally request a final inspection by the City Inspecting Officials. In this letter, he shall briefly describe all of the improvements. The subdivider shall also provide the city with four copies of an "as built" map showing the actual location of all street improvements, sanitary and storm sewer improvements, water mains, valves, and stubs, and any other permanent improvements which the subdivider has installed. In addition to the as-built plans, the subdivider shall provide core tests performed by a certified testing laboratory of the H.A.C. pavement. One core (minimum) will be taken for every 660 lineal feet of new pavement and one core (minimum) for each deceleration lane and/or passing blister. The location of said

core samples shall be designated by the City Engineer or his agent.
The location of said cores shall be shown on the as-built plans
and a

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report showing the results of the samples shall accompany the as-built plans. No later than 14 days after the receipt of this letter by the City Engineer, weather conditions permitting, the City Inspecting Officials shall make their inspection.

(Ord. 1861, passed 8-4-97)

§ 151.46 ACCEPTANCE.

After streets and improvements have been installed and constructed pursuant to the requirements of this chapter, the subdivider shall notify the City Engineer that construction and installation has been completed

(A) Before acceptance of subdivision improvements, the City Engineer, the Deputy Building Inspector, the Water and Wastewater Superintendent, and the Street Department Superintendent shall inspect said improvements as described above and submit a report to the Board of Public Works and Safety on the condition of such improvements and a recommendation for their action thereon.

(B) No later than 14 days after the final inspection of the subdivision improvements. The subdivider shall be notified by the City Engineer in writing of the results of the inspection.

(C) The City Inspecting Officials shall, no later than eight weeks before the expiration date of the Maintenance Bond, inspect the subdivision streets and improvements to ascertain their condition. The subdivider is required at this time to crack seal all streets within the subdivision. The subdivider shall be notified by letter, no later than six weeks before said expiration date, as to the results of the inspection. Should there be conditions concerning the improvements which the City Inspecting Officials find unsatisfactory, the subdivider has the opportunity to correct them. No later than 14 days prior to the expiration date of the Subdivision Maintenance Bond, the City Engineer shall relate by letter to the Board of Public Works and Safety, the City Attorney, and the subdivider, the condition the City Inspecting Officials find the streets and improvements in and, consequently, their recommendations regarding the release of the Maintenance Bond.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.47 MAINTENANCE BOND.

Prior to any street or other improvements being accepted by the city, as herein provided, the subdivider shall post a maintenance bond or other security naming the city as obligee in an amount of 25% of the performance bond to insure maintenance of the improvements for a period of at least 24 months from the date of acceptance by the city.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.48 BOND RELEASE.

Bonds or other securities provided by the subdivider to guarantee installation of improvements may be reduced or released by the city upon recommendation of the City Engineer.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

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§ 151.49 UNDERGROUND PUBLIC UTILITIES.

All newly constructed utility distribution lines and service lines therefrom for telephone, gas, and electric service (except electric power substation tie-lines), cable television installed hereafter, shall be placed underground as per the National Electric Code (N.E.C.). Distribution lines shall be within easements or dedicated streets and public ways. The installation of such facilities shall be made in compliance with applicable orders, rules, and regulations of the state public service commission, now or hereafter effective, and owners or subdividers of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations, now and hereafter effective and filed with the Commission by any public utility whose service will be required with respect to the provision of the underground facilities.

(Ord 851, passed 3-19-73; Am. Ord. 1861, passed 8-4-97)

§ 151.50 VARIANCE.

Where the subdivider can show that a provision of this chapter would cause unreasonable or unnecessary hardship if strictly adhered to, and where, in the opinion of the Commission, because of the circumstances, topography, other conditions peculiar or related to the site, or unreasonableness of construction of utility facilities a departure may be made without destroying the intent of the provisions, the Commission may authorize a variance. Any variance thus authorized is required to be entered in the minutes of the Commission, and the reasoning on which the departure was justified set forth.

(Ord. 851, passed 3-19-73; Am. Ord. 1861, passed 8-4-97)

FEES AND PENALTIES

§ 151.55 PRIMARY AND SECONDARY FEES.

(A) In order to defray a part of the city's cost of checking and verifying subdividers' primary plats, the subdividers shall pay a fee as follows, per Table "C":

(1) Residential subdivision, single-family, \$100, plus \$5 per lot.

(2) Residential subdivision, multifamily, \$200, plus \$1 per unit.

(3) Nonresidential subdivision, \$100, plus \$5 per acre.

(B) In order to defray a part of the city's cost of checking and verifying a subdividers' secondary plat of subdivision, the subdividers shall pay a fee as follows, per Table "C":

(1) Residential subdivision, single-family, \$100, plus \$5 per lot.

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(2) Residential subdivision, multifamily, \$200, plus \$1 per unit.

(3) Nonresidential subdivision, \$100, plus \$5 per acre.

(C) In each instance, payment shall be made by check or money order, and shall accompany the application for approval of the primary or the secondary plat.

(Ord. 766, passed 12-2-68; Am. Ord. 1013, passed 3-6-78; Am. Ord. 1861, passed 8-4-97)

§ 151.56 ENGINEERING FEES.

In order to defray a part of the city's cost of the City Engineer's inspection and review of subdivision development and improvements, the subdividers shall pay a fee in the amount as follows:

(A) Engineering inspection, .625% of the cost of site improvements.

(B) Engineering review, .625% of the cost of site improvements.
(Ord. 766, passed 12-2-68; Am. Ord. 1013, passed 3-6-78; Am. Ord. 1861, passed 8-4-97)

§ 151.57 ROAD INSPECTION FEES.

During the course of construction of improvements within a new subdivision, inspections must be made in accordance to § 151.35(C), with fees for said inspections to be the following: the total fee for a subdivision shall be determined on an individual lot basis and shall be \$5 per lot per inspection with a minimum fee of \$20. If a reinspection is necessary, the same \$5 per lot per inspection with a minimum fee of \$20 fee shall apply, as per Table "C".

(Ord. 1861, passed 8-4-97)

§ 151.58 APPEALS.

Any decision or requirement of the Plan Commission made under the authority of this chapter is subject to the right of appeal, and reviewed by certiorari.

(Ord. 766, passed 12-2-68; Am. Ord. 1861, passed 8-4-97)

§ 151.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$10, and not more than \$300. Each day the violation continues shall constitute a separate offense.

(Ord. 1861, passed 8-4-97)

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TABLE A:
STREET STANDARDS

	Arterial Streets	Secondary Streets	Local Streets	Cul-De-Sacs	Cross-walks	Alleys
Right-of-way width	100 feet	80 feet	60 feet	70 feet (R)	12 feet	30 feet
Paving width (including curbs and gutters)	40 feet	36 feet	31 feet	50 feet (R)	10 feet	20 feet
Maximum grade	6%	8%	10%	10%	—	10%
Minimum angle for intersection	90°	80°	70°	70°	—	70°
Minimum curb radius	35 feet	25 feet	15 feet	15 feet	—	5 feet
Maximum grades for 25 feet before intersection	3°	3°	3°	3°	—	3°
Site triangles (distances along sides of) through street/stop street	500 feet/30 feet	500 feet/30 feet	250 feet/25 feet	250 feet/25 feet	—	50 feet/20 feet
Horizontal alignment (minimum radii of center line)	600 feet	400 feet	200 feet	100 feet	—	100 feet
Vertical curves (minimum sight distance)	500 feet	350 feet	200 feet	100 feet	—	100 feet

TABLE B:
LIST OF PROHIBITED TREES FOR STREET PLANTING

SCIENTIFIC NAME	COMMON NAME (for reference only)
Acer negundo	Boxelder
Acer saccharinum	Silver Maple
Aesculus species	Chestnut and Buckeye
Ailanthus altissima	Tree of Heaven
Betula pendula and papyrifera	European Birch and Paper Birch
Carya species	Hickory
Catalpa species	Catalpa
Cercis canadensis	Eastern Redbud
Crataegus species (with thorns)	Hawthorn
Elaeagnus angustifolia	Russian Olive
Fagus species	Beech

SCIENTIFIC NAME	COMMON NAME (for reference only)
Ginkgo biloba (female only)	Ginkgo
Gleditsia triacanthos (with thorns)	Honey locust (varieties with thorns)
Juglans species	Walnut
Maclura pomifera	Osage-orange
Morus species	Mulberry
Platanus occidentalis	American Sycamore
Populus species	Poplar, Cottonwood, Aspen
Prunus species	Cherry, Plum, Peach
Quercus palustris	Pin Oak
Robonia species	Black Locust
Salix species	Willow
Sorbus species	Mountain Ash
Ulmus species	Elm
Coniferous species	Pines, Spruce, Fir

TABLE C:
LIST OF FEES FOR CHAPTER 151 - SUBDIVISION CODE

REQUIREMENT	FEE
Inspection of Aggregate Road Base	\$5.00 per lot per inspection with a minimum fee of \$20.00
Inspection of H.A.C. Road Binder	\$5.00 per lot per inspection with a minimum fee of \$20.00
Inspection of H.A.C. Road Surface	\$5.00 per lot per inspection with a minimum fee of \$20.00
Re-inspection of any above	\$5.00 per lot per inspection with a minimum fee of \$20.00
Trees within a development	\$75.00 per tree
Street signs	\$100.00 per sign
Street lights	\$1000.00 per light
Subdividers fee primary plats: Residential subdivision, single-family	\$100, plus \$5 per lot

REQUIREMENT	FEE
Subdividers fee primary plats: Nonresidential subdivision	\$100, plus \$5 per acre.
Subdividers fee secondary plats: Residential subdivision, single-family	\$100, plus \$5 per lot
Subdividers fee secondary plats: Residential subdivision, multifamily	\$200, plus \$1 per unit.
Subdividers fee secondary plats: Nonresidential subdivision	\$100, plus \$5 per acre.
Engineering inspection	.625% of the cost of site improvements
Engineering review	.625% of the cost of site improvements

APPENDIX A: FIGURES AND DIAGRAMS

[artwork]

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APPENDIX B - CERTIFICATES

(1) Each Secondary Plat submitted to the Commission for approval shall carry an approval from the President and Secretary of the Plan Commission

Submitted to, approved and accepted by the City Plan Commission of the City of Crown Point, Lake County, Indiana, this _____ day of 199____.

President

Secretary

(2) Each Secondary Plat submitted to the Commission for approval shall carry a Certificate signed by a Registered Professional Engineer or Land Surveyor in substantially the following form:

"I, _____ (name) _____, hereby certify that I am a Professional Engineer (or a Land Surveyor), licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on _____ (date) _____, that all monuments shown thereon actually exist; and that their location, size, type and material are accurately shown".

(SEAL)

(3) Each Secondary Plat submitted to the Commission for approval shall carry a Deed of Dedication in substantially the following form:

"We, the undersigned, _____ (names) _____, owners of real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide real estate in accordance with the within plat. This subdivision shall be known and designated as _____ (name) _____. All streets, alleys, parks and other public lands shown and not heretofore dedicated, are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building structure."

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 19____.

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STATE OF INDIANA)
COUNTY OF LAKE)

Before me, the undersigned Notary Public in and for the County of Lake, State of Indiana, appeared _____ (names) _____ and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and Notarial Seal this _____ day of _____, 19
.

(Notary Public)

(5) Utility Easement.

An easement is hereby granted to the County of Lake, all public utility companies including Ameritech and Northern Indiana Public Service Company severally, and private utility companies where they have a "Certificate of Territorial Authority" to render service, and their respective successors and assigns, to install, place, and maintain sewers, water mains, gas mains, conduits, cables, poles and wires - either overhead or underground with all necessary braces, guys, anchors, and other appliances in, upon, and along and over the strips of land designated on the plat and marked "Utility Easement" for the purpose of serving the public in general with sewer, water, gas, electric and telephone service, including the right to use the streets where necessary, and to overland lots with aerial service wires to serve adjacent lots, together with the right to enter upon the said easements for public utilities at all times for any and all the purposes aforesaid and to trim and keep trimmed any trees, shrubs, or saplings that interfere with any such utility equipment. No permanent buildings, gardens, shrubs, landscaping, and/or other purposes which interfere with the use of said easement shall be placed on said easement.

(6) Drainage Easement.

An easement is hereby granted to the City of Crownpoint for the installation of a drainage swale, ditch, or waterway upon and along the strip or strips of land designated on the plat and marked "Drainage Easement" for the purpose of handling the storm water run-off.

(Am. Ord. 1983, passed 5-5-00)

(7) Engineering

STATE OF INDIANA)
COUNTY OF LAKE) SS:

This is to certify that I have checked the above engineering details.

City Engineer

(Ord. 1861, passed 8-4-97)

APPENDIX C - SURVEYING REQUIREMENTS

Every subdivision of land under the terms of this Ordinance shall require a survey meeting the following requirements prepared by a surveyor registered in the State of Indiana.

(1) Requirements. The description and location of all survey monuments placed in the subdivision shall be shown upon all maps of record. Permanent monuments shall be of concrete reinforced with one #4 vertical rod, and not less than 4 inches square on top and tapered to 6 inches square at the bottom and 36 inches long set flush with the ground.

Block corners shall be established by placement of an iron rod or pipe not less than ½ inch in diameter and not less than 2 feet long and shall be driven flush with the ground. All points of intersection between lot lines and section, quarter section, or quarter quarter section lines shall be marked and referenced with an iron rod or pipe in an approved manner. Permanent monuments shall be erected at all corners or changes in bearing of the exterior boundary of the subdivision. All monuments shall be installed prior to recording of Secondary Plat, or if not, a Bond shall be posted to guarantee their installation.

(2) Certificates. Each and all Secondary Plats shall bear thereon the following certificates:

(a) Plan Commission Approval Statement (see Appendix B, Item 1.)

(b) Land Surveyor's Statement (see Appendix B, Item 2.)

(c) Deed of Dedication (see Appendix B, Item 3.)

(d) Certificate of Maintenance Responsibility (see Appendix B, Item 4.)

(Ord. 1861, passed 8-4-97)

CHAPTER 152: BUILDING REGULATIONS

Section

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Unsafe Building Code

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Covering of Windows and Other Openings
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UNDERGROUND UTILITIES

§ 152.01 PERMIT REQUIRED.

It is unlawful for any person, firm or corporation to use the public streets or alleys or public places in the city to install and thereafter maintain any electric wires, telephone or electric pole or poles, cross-arms, transformers or gas conduits or gas mains of any kind, or to encumber any of the streets, alleys or public places therewith without first obtaining a permit from the Board of Public Works and Safety of the city. The Board shall require the applicant to file with the application an accurate chart or map showing the proposed installation and a statement showing the necessity for same. (Ord. 474, passed 8-24-37) Penalty, see § 152.99 (A)

§ 152.02 DISTANCE REQUIRED BETWEEN NEW CONDUITS AND EXISTING CONDUITS.

It shall be unlawful for any firm, person or corporation to install in the public streets or alleys of the city any electric wire conduit or gas conduit of any kind within 12 inches of any water, sewer or other gas or electric conduit, provided that if necessity shall be shown before the Board of Public Works and Safety by the applicant for installation nearer to any electric or gas conduit or sewer or water mains or pipes than 12 inches, the Board may grant a

special permit for such installation upon a proper

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showing that same will be safe and that each and all of the installations will be fully protected from harm by the proposed installation, provided nothing herein shall be construed to prevent the owner of same from installing like utility conductor nearer than 12 inches to his or its own installation.

(Ord. 474, passed 8-24-37) Penalty, see § 152.99 (A)

§ 152.03 UNLAWFUL TO INSTALL WIRING ABOVE THE SURFACE.

(A) It shall be unlawful for any person, firm or corporation to install on the surface or above the surface of any public street or alley of the city as new or permanent installation any telephone or electric wire or wiring carrying or for the purpose of carrying more than 2300 volts of electric current or to be charged therewith 1/2 block of the court house square of the city without a permit from the Board of Public Works and Safety of the city. Provided, that such installation in any street or alley or crossing or extending cross-wise on any street or alley may be considered as temporary installation and a special permit issued therefor by the Board of Public Works and Safety of the city, and provided further that the Board of Public Works and Safety, upon the written approval of the Electrical Inspector of the city, may authorize and permit the installation by the city or any other person, firm or corporation of pre-stressed concrete cement and metal poles in lieu of underground conduit and in lieu of wooden poles. The installation of such poles, however, shall be permitted only upon special permit and shall be limited to the area specifically described by metes and bounds or plat in the application for such permit.

(Ord. 474, passed 8-24-37; amend. Ord. 619, passed 11-5-56)

Penalty, see § 152.99 (A)

UNSAFE BUILDING CODE

§ 152.20 ESTABLISHMENT; ADOPTION OF STATE LAW.

(A) Under the provisions of IC 36-7-9, there is hereby established the Unsafe Building Code.

(B) IC 36-7-9-1 through 36-7-9-28 is hereby adopted by reference as the Unsafe Building Code. All proceedings within the city for the inspection, repair, and removal of unsafe buildings shall be governed by those sections and the provisions of this subchapter. In the event the provisions of this subchapter conflict with the provisions of IC 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control.

(Ord. 1268, passed 6-6-83)

§ 152.21 DEFINITIONS.

(A) The description of an "UNSAFE BUILDING" contained in IC 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the city, by adding the

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following definition: "UNSAFE BUILDING". Any building structure which has any or all of the conditions or defects herein described shall be deemed to be an unsafe building, provided that those conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

(1) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(2) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.

(3) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.

(4) Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(5) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

(6) Whenever any portion thereof has wracked, warped, buckled, or settled to such extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(7) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.

(8) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(9) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle

one-third of the base.

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(10) Whenever the building or structure, exclusive of the foundation, shows 33% or more damage, or deterioration of its supporting member or members, or 50% damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(11) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated so as to become an attractive nuisance to children, or freely accessible to persons for the purpose of committing unlawful acts.

(12) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to that building or structure provided by the building regulations of this city, or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings.

(13) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than 50%, or in any supporting part, member, or portion, less than 66% of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

(14) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the county Board of Health to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(15) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Fire Inspector to be a fire hazard.

(16) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six months so as to constitute that building or portion thereof an attractive nuisance or hazard to the public.

(B) The definition of "SUBSTANTIAL PROPERTY INTEREST" set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

(Ord. 1268, passed 6-6-83)

§ 152.22 POWERS OF THE BUILDING COMMISSIONER.

(A) The Building Commissioner, as chief administrative officer of the Department of Building, shall be authorized to administer and to proceed under the provisions of IC 36-7-9-1 through 36-7-9-28 in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

(B) Wherever in the building regulations of the city unsafe building code, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner, or any other officer of the city, this shall be construed to give that officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what the regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner. (Ord. 1268, passed 6-6-83)

§ 152.23 UNSAFE BUILDINGS A NUISANCE.

All buildings or portions thereof within the city which are determined after inspection by the Building Commissioner to be unsafe as defined in this subchapter are hereby declared to be public nuisances, and shall be abated by repair, rehabilitation, demolition, or removal.

(Ord. 1268, passed 6-6-83) Penalty, see § 152.99(B)

§ 152.24 STANDARDS OF WORKMANSHIP.

All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical and one and two family dwellings, promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the Building Commissioner of the city.

(Ord. 1268, passed 6-6-83) Penalty, see § 152.99(B)

§ 152.25 UNIFORM STANDARD FOR SEALING UNSAFE BUILDINGS.

An unsafe building shall be sealed in accordance with the materials and standards permitted by Uniform Building Code. Doors and windows shall be boarded up with the use of a minimum 1/2-inch exterior, glued plywood, fastened with the use of wood screws, at a spacing of two feet on the edge of the panel, and also any intermediate supports. Nuts and bolts shall be used when wood screws are not practical. The perimeter of the building shall be fenced with a chain link fence eight feet tall, when it is deemed

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necessary by the enforcement authority.

(Ord. 1268, passed 6-6-83) Penalty, see § 152.99(B)

§ 152.26 PROHIBITION.

No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises; or cause or permit the same to be done contrary to or in violation of any of the provisions of this subchapter or any order issued by the Building Commissioner.

(Ord. 1268, passed 6-6-83) Penalty, see § 152.99(B)

§ 152.27 UNSAFE BUILDING FUND.

An Unsafe Building Fund is hereby established in the operating budget of the city in accordance with the provisions of IC 36-7-9-14.

(Ord. 1268, passed 6-6-83)

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REMOVAL OF BUILDINGS

§ 152.30 BUILDING REMOVAL; INSPECTION; FEE.

Whenever any person, firm or corporation has, pursuant to a city license or otherwise, removed a building into or upon any lot or parcel of real estate within the city, such building shall be placed in condition for use within 90 days, but shall not be occupied or used on its new situs or location until same has been inspected by the engineer of the city and a recommendation of such engineer filed with the city Plan Commission and an occupancy permit recommended by such commission and issued by the Clerk-Treasurer to the owner of the building. The Clerk-Treasurer shall charge a fee of \$5 for the issuance of the permit.

(Ord. 642, passed 11-3-58) Penalty, see § 152.99(C)

§ 152.31 REMOVAL TO BE IN ACCORDANCE WITH PLANNING LAWS.

No such permit shall be issued except for such occupancy, and in accordance with the planning laws and ordinances of the area of the city where the newly occupied building is located. (Ord. 642, passed 11-3-58) Penalty, see § 152.99(C)

§ 152.32 PERMIT REQUIRED PRIOR TO OCCUPANCY.

It shall be unlawful for any person, firm or corporation to occupy such building at its new situs until such permit has been issued to the owner or lawful occupant thereof.

(Ord. 642, passed 11-3-58) Penalty, see § 152.99(C)

FIRE PREVENTION REGULATIONS

§ 152.40 MATERIALS AND CONSTRUCTION REQUIREMENTS.

No building or structure of any kind or any addition thereto, shall be erected, constructed, placed or moved from one place to another, within the fire limits of the city, unless the same shall be constructed throughout of, or shall consist of, materials and be constructed in conformity with the following provisions:

(A) All outside walls and party walls of any such building, structure, or addition thereto, proposed to be erected, constructed, placed or moved, within the fire limits shall be constructed of either stone, brick, cement, concrete, tile, or any combinations of same, or of any other incombustible materials.

(B) All wooden joists, beams, plates, lintels, and other timbers connected with any outside walls, or party walls, of any such building or structure, shall be recessed, or set back at least 4 inches from the outer surface of all such walls.

(C) All such walls of any flat roofed building or structure

shall extend above the outside surface of such roofs at least 24

inches, and in no case shall the plank or sheeting of any roof extend across any such walls.

(D) The weather covering of any roof, and all of its appendages, on any such building or structure shall be constructed of, or be protected throughout with some incombustible materials, such as gravel, crushed granite, tile, slate or asbestos.

(E) All chimneys built on any such building or structure shall be lined with terra cotta or fire clay, flue linings, and the walls of such chimneys shall be at least 4 inches thick, and all chimneys on flat roofed buildings or structures shall extend at least 5 feet above such roof and all chimneys on pitched roofed buildings or structures shall extend at least 2 feet above the ridge of such roof, and no wooden joists or timbers of any kind shall rest in, upon, or against the walls of any chimney.

(F) All outside appendages to any such building or structure, such as dormer windows, bay windows, balconies, cornices, mouldings, towers, spires, ventilators, elevator shaft extensions, and other extensions, shall be constructed of, or be fully protected throughout with some incombustible materials.

(Ord. 515, passed 10-2-44) Penalty, see § 152.99(D)

§ 152.41 REPAIRS.

Repairs on any frame or wooden buildings or structures now located within the fire limits of the city, may be made only to the extent of replacing or substituting the materials and work made necessary by ordinary wear and tear resulting from the proper use thereof. Provided, that in the event that any person or persons shall desire to increase the height of any such building or structure, or any part thereof, now located within the fire limits, to a height not to exceed 2 full stories, the city Plan Commission of the city, may issue a permit authorizing the same to be done, if in their judgment the fire hazard of such building or structure will not be increased thereby.

(Ord. 515, passed 10-2-44) Penalty, see § 152.99 (D)

§ 152.42 RESTORATION AFTER 60% DAMAGE.

In the event that any frame or wooden building or structure now located within the fire limits of city, shall at any time become damaged from any casualty to the extent of 60% of its original value or condition, then in such event such building or structure shall not be repaired, remodeled or restored in any manner, and if such damaged building or structure, if let standing, shall be dangerous to life, limb or property, in any manner, the same shall be ordered torn down and removed, upon the written recommendation of the city Plan Commission and the written order of the board of works and safety of the city. (Ord. 515, passed 10-2-44) Penalty, see § 152.99 (D)

§ 152.43 FIRE PREVENTION REGULATIONS SUPPLEMENTAL TO ZONING CODE.

The provisions of §§ 152.40 through 152.44 shall be supplemental to the provisions of the zoning code and shall be enforced by the Board of Public Works and Safety of the city, under the rules and regulations of the City Plan Commission and the Board of Zoning Appeals of the city, which Commission and Board are hereby granted full power and authority to administer and carry into effect all of the provisions of §§ 152.40 through 152.44.

(Ord. 515, passed 10-2-44) Penalty, see § 152.99 (D)

§ 152.44 VIOLATIONS DECLARED A NUISANCE.

Any building or structure, erected, constructed, raised, remodeled, or repaired in violation of any provision of, or requirement of this chapter is hereby declared to be a common nuisance, and the same may be abated in any manner as nuisances are now, or may hereafter be abated under the laws of the state.

(Ord. 515, passed 10-2-44) Penalty, see § 152.99 (D)

BUILDING CODE

§ 152.50 TITLE; PURPOSE; SCOPE.

(A) This subchapter, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of Crown Point, Indiana", may be cited as such, and will be referred to herein as "this code."

(B) The purposes of this code are to provide minimum standards for the protection of life, limb, health, environment, and public safety; and to conserve energy in the design and construction of buildings and structures.

(C) The provisions of this code apply to the construction, alterations, repair, use, occupancy, maintenance, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4.

(Ord. 1249, passed 2-7-83; Am. Ord. 1480, passed 9-5-88)

§ 152.51 ADMINISTRATIVE AUTHORITY.

The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever, in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the city, this shall be construed to give that officer only the discretion of determining whether the rules and standards established by ordinance have been

complied with; and no such provision shall be construed as giving any officer discretionary powers as to what those regulations, codes or standards shall be, or power to require

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conditions not prescribed by ordinances, or to enforce ordinance provisions in any arbitrary or discriminatory manner. Any variances from adopted building rules are subject to approval under IC 22-13-2-7(b).

(Ord. 1249, passed 2-7-83; Am. Ord. 1480, passed 9-5-88)

§ 152.52 ADOPTION OF STANDARD CODES BY REFERENCE.

(A) The following rules, regulations, and codes, and any rules or regulations promulgated thereunder, are hereby adopted by reference as the rules and regulations governing the construction and alteration of buildings and structures in the city and shall include later amendments to these articles as the same are published in the Indiana Register or the Indiana Administrative Code, with effective dates as fixed therein:

- (1) Article 13 - Building Codes:
 - (a) Fire Building Safety Standards
 - (b) Indiana Building Code
- (2) Article 14 - Indiana Residential Code
- (3) Article 16 - Indiana Plumbing Code
- (4) Article 17 - Indiana Electric Code
- (5) Article 18 - Indiana Mechanical Code
- (6) Article 19 - Indiana Energy Conservation Code
- (7) Article 20 - Indiana Swimming Pool Code
- (8) Article 22 - Indiana Fire Code
- (9) Article 24 - Migrant Day Care Nursery Fire Safety Code
- (10) Article 25 - Indiana Fuel Gas Code

(B) The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws adopted by this Building Code. Pursuant to IC 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until after final approval by the Fire Prevention and Building Safety Commission.

- (C) Copies of this code and rules, regulations, and codes

adopted herein by reference are on file as required by law in the office of the Clerk-Treasurer.

(Ord. 1249, passed 2-7-83; Am. Ord. 1470, passed 6-13-88; Am. Ord. 1480, passed 9-5-88; Am. Ord. 1923, passed 1-6-99; Am. Ord. 2003-09-25, passed 10-6-03)

§ 152.53 PERMIT REQUIRED; APPLICATION.

(A) A permit shall be obtained before the commencement of construction, alterations, demolition, or repair of any building, structure, or improvement.

(B) Regardless of cost a permit shall be required for the construction of a fireplace or a wood or coal burning stove.

(C) Permits and applications therefor shall be on forms furnished by the Planning and Building Department. Permits can only be issued by the Building Commissioner or his or her duly authorized deputy. All permit and inspection fees shall be paid to the Clerk-Treasurer.

(D) No permits shall be issued for the foregoing purposes, unless the application for the permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. All plans for building construction under the authority of the Department of Fire and Building Services of the state must also be filed with that Department. No local permits shall be issued hereunder until a copy of a release for construction from the State Building Commissioner is received by the Building Commissioner.

(E) (1) Each business locating within the boundaries of the city shall submit a plan describing how its solid waste will be managed, including reduction, reuse and recycling steps taken to reduce its waste stream.

(2) Each person and/or entity applying for business building permits shall provide as a part of their submission a plan describing how their solid waste will be managed, including reduction, reuse and recycling steps taken to reduce their waste stream, which plan shall be subject to approval as part of the permitting process.

(3) Each person and/or entity applying for building permits for multi-family structures, including but not limited to fourplexes and other such structures, shall provide as part of their submission a plan describing how the solid waste for the occupants of such structures will be managed, including reduction, reuse and recycling steps taken to reduce their waste stream, which plan shall be subject to approval as part of the permitting process.

(4) Each individual, business, or other entity, or any other applicant, applying for a permit to demolish any structure, be it residential, business or otherwise, or obtaining any renewal thereof, shall provide as part of its submission a plan describing how the material will be managed, including reduction, reuse and recycling

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steps taken to reduce its waste stream, which plan shall be subject to approval as provided as part of the permitting process.

(Ord. 1249, passed 2-7-83; Am. Ord. 1470, passed 6-13-88; Am. Ord. 1480, passed 9-5-88; Am. Ord. 2005-02-03, passed 2-7-05; Am. Ord. 2005-05-13, passed 5-12-05) Penalty, see § 152.99(E)

§ 152.54 REVIEW OF APPLICATION BY BUILDING COMMISSIONER.

Prior to the issuance of any building permit hereunder, the Building Commissioner shall do the following.

(A) Review all building permit applications to determine full compliance with the provisions of this subchapter.

(B) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

(C) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair: uses construction materials and utility equipment that are resistant to flood damage; and uses construction methods and practices that will minimize flood damage.

(D) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction, including prefabricated and mobile homes, is:

(1) Protected against flood damage.

(2) Designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, or flood damage.

(3) Uses construction methods and practices that will minimize flood damage.

(E) Review building permit applications to determine conformance to approved site development plans.

(Ord. 1249, passed 2-7-83)

§ 152.55 INSPECTIONS AND FEES.

(A) The fees for the issuance of an Improvement Location (Building) Permit shall be as follows:

(1) Agricultural and one or two family Residential Dwellings Units: The permit fee for all additions, remodeling, alterations and accessory structures shall be equal to \$5 per \$1,000 of estimated

construction value per permit, as estimated by the Building Commissioner or his or her designee, with a minimum fee of no less than \$50 per permit;

(2) Multi-family, condominium, offices, commercial, industrial and all other uses not identified in section (A)(1) above: The permit fee for all additions, remodeling, alterations and accessory structures shall be a sum equal to \$6 per \$1,000 of estimated construction value per permit, as estimated by the Building Commissioner or his or her designee, with a minimum fee of no less than \$100 per permit;

(3) Renewal of permit: 50% of original permit fee;

(4) Occupancy permit: \$15 per single family dwelling unit and \$15 per unit for all other buildings or structures;

(5) Electrical: \$75 per 100 Amp service;
.20 per Amp over 100 Amp;
\$50 Flat fee for branch circuits and rewire; and
\$25 Per temporary construction service pole;

(6) Plumbing:

(a) Residential and Agricultural:

\$30 plus \$3 per fixture;

\$30 minimum fee per structure;

(b) Commercial, Industrial, Multi-family:

\$50 plus \$3 per fixture;

\$50 minimum fee per unit.

(7) HVAC-Mechanical:

(a) Agricultural and one and two family residential shall be a flat fee of \$50 per unit.

(b) Multi-Family, condominium, office, commercial, industrial and all other uses not specified in division (7)(a) above, shall pay a flat fee of \$100 per each unit in a building.

(8) Fireplaces: \$25 per fireplace;

- (9) Swimming Pools: \$100 per above ground pool;
 \$30 plus \$4 per \$1,000 of estimated
 construction cost for each in
 ground pool;
- (10) Demolition: \$10.00
- (11) Signs: \$10 plus \$.10 per square foot;
- (12) All fees shall be waived for all units of City Government;

(B) The estimated construction value shall be determined by utilizing the building valuation data provided by the then current International Conference of Building Officials (I.C.B.O.) Building Standards to determine fees for payment of inspection and administration cost based on the following inspection schedule:

(1) There shall not be less than eleven inspections required for every building permit, except as noted, made in the following scheduled order:

- (a) Footing pre-pour inspection.
- (b) Footing inspection.
- (c) Foundation inspection.
- (d) Rough framing inspection.
- (e) Underground plumbing and/or electrical inspection.
- (f) Rough plumbing inspection.
- (g) Rough electrical inspection.
- (h) Rough HVAC-Mechanical.
- (i) Electrical service inspection.
- (j) Final HVAC-Mechanical.
- (k) Final occupancy inspection (building, plumbing, and electrical).

(2) All building projects including fireplaces, other than one or two family construction, shall have a rough and final fire inspection conducted by the City Fire Inspector or Fire Chief.

(C) "Re-inspection" shall be defined as each inspection made in excess of the number of inspections authorized in division (B) above.

Each re-inspection shall be charged at the rate of \$25 each and no certificate of occupancy shall issue prior to the payment of all inspection and re-inspection fees to the city.

(D) The Building Commissioner shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundations without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. When additional inspections are required due to failure of the permit holder to have work ready for inspection at the designated stage of construction, the Director of Planning and Building shall have the power to assess a re-inspection fee of \$25 for each additional inspection. Re-inspection fees shall be paid prior to the issuance of a certificate of occupancy.

(E) After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to be made, such inspections of the work being done under the permit as are necessary to insure full compliance with the provisions of this subchapter and the terms of the permit. Re-inspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this code.

(F) Each Improvement Location (Building) Permit shall expire two years after its date of issuance. If all construction and inspections are not completed, or a Final Certificate of Occupancy is not granted, within two years of the issuance of the original permit, all construction or work at the project site shall cease until such time as a renewal permit is applied for and issued by the city.

(Ord. 1249, passed 2-7-83; Am. Ord. 1451, passed 12-7-87; Am. Ord. 1470, passed 6-13-88; Am. Ord. 1480, passed 9-5-88; Am. Ord. 1508, passed 10-2-89; Am. Ord. 1922, passed 1-6-99; Am. Ord. 1969, passed 2-7-00; Am. Ord. 2004-04-08, passed 5-3-04; Am. Ord. 2004-06-11, passed 6-7-04) Penalty, see § 152.99(E)

§ 152.56 STANDARDS.

(A) All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in those ordinances.

(B) All work on the construction, alteration, and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

(Ord. 1249, passed 2-7-83) Penalty, see § 152.99(E)

§ 152.57 STOP ORDER.

Whenever any work is being done contrary to the provisions of

this code, the Building Commissioner may order the work stopped by notice in

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writing served on any persons engaged in the doing or causing the work to be done, and those persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

(Ord. 1249, passed 2-7-83)

§ 152.58 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure erected, altered, or repaired after the adoption of this subchapter shall be issued unless such building or structure was erected, altered, or repaired in compliance with the provisions of this subchapter.

(Ord. 1249, passed 2-7-83)

§ 152.59 VIOLATIONS.

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, other than fences, in the city; or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

(Ord. 1249, passed 2-7-83) Penalty, see § 152.99(E)

§ 152.60 RIGHT OF APPEAL.

Any person affected by an order, decision, or final action made pursuant to this subchapter may, within ten days of notification thereof, appeal the same to the Board of Works and Public Safety by submitting to the City Clerk/Treasurer a written petition stating pertinent provisions and grounds for appeal. Within ten days of the filing of a petition, the Board shall hold a hearing on said petition.

Within five days after the conclusion of the hearing, the Board shall revoke, modify, or affirm the order, decision, or final action being appealed. All persons shall have the right to appeal any order of the

Building Commissioner, first through the Board of Works and Public Safety and as outlined above, and then to the State Fire Prevention and Building Safety Commission in accordance with the provisions of I.C. 22-13-2-7 and 4-21.5-3-7.

(Ord. 1249, passed 2-7-83; Am. Ord. 1480, passed 9-5-88)

§ 152.61 REMEDIES.

The city, upon the approval and authorization of the Board of

Public Works and Safety, or upon the written authorization of the Mayor, may bring an action or actions for injunctive or other equitable relief, or for money damages or penalties allowed by this chapter or other ordinance or laws, as may be deemed appropriate. (Ord. 1249, passed 2-7-83; Am. Ord. 2004-06-11, passed 6-7-04)

DISPLAY OF STREET NUMBERS

§ 152.70 DISPLAY OF STREET NUMBERS REQUIRED.

(A) Each building, house, or other structure on a parcel of real estate which is or has been assigned a street number by the Advisory Plan Commission, shall have, displayed and properly maintained thereon, the assigned street number on a portion of the structure on or near the main entrance, which is plainly and readily visible by the naked eye from the street or other public way which adjoins the parcel.

(B) For shopping centers, multiple use commercial and industrial buildings with an alley or roadway servicing the rear of the building, the street number and name of the business shall be displayed on all service door(s) to that business, as provided in § 152.72. (Ord. 1283, passed 10-3-83; Am. Ord. 1758, passed 5-1-95) Penalty, see § 152.99(F)

§ 152.71 REQUIREMENT FOR STRUCTURES DISTANT FROM PUBLIC WAY.

Every building, house, or other structure which has been so assigned a street number by the Advisory Plan Commission, but which is so distant from the street or other public way which adjoins it as to be impractical to comply with the requirements of § 152.70, shall instead display the assigned street number on a light post, mailbox, fence, or other structure near the entrance to that parcel, which is plainly and readily visible by the naked eye from the street or public way which adjoins it. (Ord. 1283, passed 10-3-83) Penalty, see § 152.99(F)

§ 152.72 SPECIFICATIONS.

The assigned street number display shall employ arabic numerals of a minimum of three inches in height, the color of which must clearly contrast with the background upon which they are placed. (Ord. 1283, passed 10-3-83) Penalty, see § 152.99(F)

§ 152.73 GRACE PERIOD.

Any person who violates this subchapter shall have 30 days following written notification of non-compliance in which to comply without fine or other penalty. (Ord. 1283, passed 10-3-83) Penalty, see § 152.99(F)

BOARDING OF DOORS, WINDOWS, AND OTHER OPENINGS

§ 152.75 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires

otherwise.

"DOOR." A movable structure for opening or closing an entrance or means of access.

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"MATERIAL" or "SUBSTANCE." Any solid, opaque material or substance, including, but not limited to, plywood, sheet metal, wooden boards, and hardware cloth.

"PERSON." Any natural person, corporation, association, trust, venture, partnership, or other entity, who is an owner, co-owner, occupant, tenant, co-tenant, or possessor of a structure.

"STRUCTURE." That term as defined in § 150.02 of this code.

"WINDOW." An opening in a structure for letting in light or air, or looking through.

"WINDOW SHUTTERS." A hinged cover or screen used to temporarily close a window.

(Ord. 1429, passed 3-2-87)

§ 152.76 BLOCKING DOORS OR WINDOWS RESTRICTED.

No exterior door or window on any structure, nor any exterior opening, doorway, entrance, or exit on any structure, may be or remain covered, blocked off, obscured, obstructed, screened, or shut out by any material or substance, unless pursuant to the terms of § 152.77.

(Ord. 1429, passed 3-2-87) Penalty, see § 152.99

§ 152.77 EMERGENCY PERMITS; RENEWAL.

In the event of damage to a structure by fire, act of God, force majeure, or other catastrophe, a person may cover the doors, windows, entrances, exits, and other openings in the exterior of that damaged structure with materials or substances; provided, however, that no such materials or substances may be applied to, fastened on, attached to, or erected upon such a structure until an emergency permit for the same has been issued by the City Building Commissioner, or, in his absence, the City Fire Inspector. Only materials approved by the issuer of said permit and specifically stated therein may be used for such purpose by the permittee. Such an emergency permit shall expire 90 days from the date of the damage, and shall be renewable for additional 30-day periods in the discretion of the City Building Commissioner. The City Building Commissioner shall issue a renewal permit only if reasonable and timely progress of any investigation of the cause of the damage to or of any repairs to the structure is satisfactorily documented. Such permit and renewals thereof, if issued, shall be without charge or fee.

(Ord. 1429, passed 3-2-87) Penalty, see § 152.99

§ 152.78 EXCEPTIONS; SHUTTERS AND REMODELING.

Nothing in this subchapter shall be interpreted to prohibit the erection of window shutters on any structure, or the remodeling or renovation of any structure, when such remodeling or renovation is performed pursuant to all applicable statutes, ordinances, and permits.

(Ord. 1429, passed 3-2-87)

COVERING OF WINDOWS AND OTHER OPENINGS
IN UNOCCUPIED COMMERCIAL STRUCTURES

§ 152.80 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"COMMERCIAL STRUCTURE." A structure, as that term is defined at § 150.02 of this code, which either is intended, in part or in whole, for a use related to business or commerce, as those terms are defined at § 150.02 of this code, or whose most recent use was, in part or in whole, related to business or commerce, as those terms are defined at § 150.02 of this code, or which is located in either a B-1, B-2, B-3, I-1, or OS-1 zoning district, as those terms and designations are defined at § 150.19 of this code.

"COVERING." Curtains, draperies, window shades, Venetian blinds, and similar materials and devices which are commercially manufactured for the purpose of the decoration and screening of windows, but not including any other solid, opaque material or substance, including, but not limited to, soap, paint, paper, newspapers, cardboard, other paper products, plywood, sheet metal, wooden boards, and hardware cloth.

"DOOR." A movable fixture or device intended or designed for opening or closing an entrance or means of access or exit to a commercial structure, which fixture or device contains a window.

"PERSON." Any natural person, corporation, association, trust, venture, partnership, or other entity, who is an owner, co-owner, occupant, tenant, co-tenant, or possessor of a commercial structure.

"VACANT" or "UNOCCUPIED." Shall have interchangeable meaning, and shall mean and refer to a condition of disuse, emptiness, abandonment, or lack of activity related to business or commerce, which condition continues for a period of ten or more consecutive days.

"WINDOW." An opening in a commercial structure or door intended or designed for the passage of light or air, or for the purpose of visual observation.

"WINDOW SHUTTERS." Hinged covers or screens used to temporarily close a window.
(Ord. 1455, passed 2-1-88)

§ 152.81 COVERING REQUIRED ON DOORS OR WINDOWS OF UNOCCUPIED COMMERCIAL STRUCTURE.

All exterior doors or windows on any vacant or unoccupied

commercial structure shall have affixed to the entire interior thereof, a covering, unless otherwise permitted pursuant to the terms of § 152.82.

(Ord. 1455, passed 2-1-88) Penalty, see § 152.99

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§ 152.82 EMERGENCIES; PERMIT.

In the event of damage to a vacant or unoccupied commercial structure by fire, act of God, force majeure, or other catastrophe, a person may cover the doors or windows on the exterior of that damaged structure with materials or substances as provided in § 152.77, but only if done in strict compliance with and pursuant to the terms and permit procedures contained in §§ 152.75 through 152.78 which are hereby incorporated by reference.

(Ord. 1455, passed 2-1-88) Penalty, see § 152.99

§ 152.83 EXCEPTIONS; SHUTTERS AND REMODELING.

Nothing in this subchapter shall be interpreted to prohibit the erection of window shutters on any structure, or the remodeling or renovation of any structure, when such remodeling or renovation is performed pursuant to all applicable statutes, ordinances, and permits.

(Ord. 1455, passed 2-1-88)

§ 152.99 PENALTY.

(A) Any person, firm, or corporation which shall violate any provision of §§ 152.01 through 152.03 shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$300.
(Ord. 474, passed 8-24-37; amend. Ord. 619, passed 11-5-56)

(B) Any person violating the provisions of §§ 152.20 through 152.27 shall be fined in a sum not exceeding \$2500. Each day the violation continues shall be deemed a separate and distinct violation of the provisions hereof. (Ord. 1268, passed 6-6-83)

(C) Any and each day of occupancy or attempted occupancy without the permit required by §§ 152.30, 152.31, and 152.32 shall constitute a separate offense and shall subject the violator to punishment by a fine of not less than \$10 nor more than \$25 for each offense.

(D) Any person, firm, or corporation which shall violate any of the provisions of §§ 152.40 through 152.44 or which shall fail to comply therewith, or with any of the requirements thereof, or which shall erect, construct, alter, or repair any building or structure in violation of any detailed plan or statement submitted for approval and as approved hereunder, shall for each and every violation or noncompliance be guilty of an offense hereunder, and upon conviction thereof shall forfeit and pay to the city a fine in any sum not to exceed \$300 for each offense, and each day such violation or noncompliance shall be permitted to exist shall constitute a separate and distinct offense.

(Ord. 515, passed 10-2-44)

(E) If any person, firm, or corporation shall violate any of the provisions of §§ 152.50 through 152.61, or shall do any act

prohibited therein; or shall fail to perform any duty lawfully enjoined within the time prescribed by the Building Commissioner; or shall fail, neglect,

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or refuse to obey any lawful order given by the Building Commission in connection with the provisions of §§ 152.50 through 152.61, for each violation, failure, or refusal, that person, firm, or corporation shall be fined any sum not less than \$50, nor more than \$2,500. Each day of such unlawful activity as is prohibited by the first sentence of this division shall constitute a separate offense. (Ord. 1249, passed 2-7-83)

(F) An owner or occupant of a building, house, or structure on a parcel of real estate which has been or is assigned a street number, and who fails to erect or to properly maintain the numerical display required by §§ 152.70 through 152.73, shall be liable for a fine of no more than \$100. Each day a violation of §§ 152.70 through 152.73 exists shall be deemed a separate violation. (Ord. 1283, passed 10-3-83)

(G) (1) Any person who shall violate any provision of §§ 152.76 and 152.77 shall be liable for a fine of no less than \$25 and no more than \$100, provided, further, that each day or part of a day such violation exists shall constitute a separate and distinct violation.

(2) Any person who shall violate any provision of §§ 152.76 and 152.77 shall be deemed the author and maintainer of a public nuisance. (Ord. 1429, passed 3-2-87)

(H) (1) Any person who shall violate any provision of §§ 152.81 and 152.82 shall be liable for a fine of no less than \$25 and no more than \$100, provided, further, that each day or part of a day such violation exists shall constitute a separate and distinct violation.

(2) Any person who shall violate any provision of §§ 152.81 and 152.82 shall be deemed the author and maintainer of a public nuisance. (Ord. 1429, passed 3-2-87)

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PREVENTION

Section

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§ 153.00 PURPOSE.

The purpose of this chapter is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, and to reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the city adopts the following floodplain management regulations in order to accomplish the following:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and other major improvements to buildings from flood damage;

(C) To protect human life and health from flood hazards;

(D) To lessen the burden on the taxpayer for: flood control projects; repairs to flood damaged public facilities or utilities; and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and

(F) To make federally subsidized flood insurance available for property in the city by fulfilling the requirements of the National Flood Insurance Program.

(Ord. 1638, passed 9-8-92)

§ 153.01 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"BUILDING." See "STRUCTURE".

"DEVELOPMENT." Any man-made change to improved or unimproved real estate including but not limited to:

- (1) Construction, reconstruction, or placement of a building or any addition to a building;
- (2) Installing a manufactured home on a site for a manufactured home or installing a travel trailer on any site for more than 180 days;
- (3) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) Construction of flood control structures such as levees, dikes, channel improvements, storm water detention and retention facilities;
- (5) Mining, dredging, filling, grading, excavation, or drilling operations;
- (6) Construction and/or reconstruction of bridges or culverts;
- (7) Storage of materials; or
- (8) Any other activity that might change the direction, height, or velocity of flood or surface waters.

"DEVELOPMENT" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION."

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FBFM." Flood Boundary and Floodway Map.

"FEMA." Federal Emergency Management Agency.

"FHBM." Flood Hazard Boundary Map.

"FIRM." Flood Insurance Rate Map.

"FLOOD." A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

"FLOODPLAIN." The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

"FLOOD PROTECTION GRADE" or "FPG." The elevation of the regulatory flood plus two feet at any given location in the SFHA.

"FLOODWAY." The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

"FLOODWAY FRINGE." Those portions of the flood hazard areas lying outside the floodway.

"LOWEST FLOOR." The lowest of the following:

- (1) The top of the lowest floor of a building;
- (2) The top of the basement floor;
- (3) The top of the garage floor, if the garage is the lowest level of the building;
- (4) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:

(a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one square

inch for every one square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.

(b) Such enclosed space shall be usable for the parking of vehicles and building access.

(c) The lowest point of the interior grade of any crawl space is at or above the BFE.

"MANUFACTURED HOME." A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "MANUFACTURED HOME" does not include a "RECREATIONAL VEHICLE."

"NEW MANUFACTURED HOME PARK OR SUBDIVISION." A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"RECREATION VEHICLES." A vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

"REGULATORY FLOOD." The flood having a one percent probability of being equalled or exceeded in any given year, as calculated by a method procedure which is acceptable to and approved by the Indiana Natural Resources Commission. The regulatory flood elevation at any location is as defined in § 153.03 of this chapter. The "REGULATORY FLOOD" is also known by the term "Base Flood."

"SFHA or SPECIAL FLOOD HAZARD AREA." Those lands within the jurisdiction of the city that are subject to inundation by the regulatory flood. The SFHA's of the city are generally identified as such on the Flood Insurance Rate Map of the city prepared by the Federal Emergency Management Agency and dated February 12, 1982. The SFHA's of those parts of unincorporated Lake County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the Flood Insurance Rate Map prepared for Lake County by the Federal Emergency Management Agency and dated September 1981.

"STRUCTURE." A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

"SUBSTANTIAL IMPROVEMENT." Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 40% of the market value of the structure before the "start of construction" of the improvement, the market value to be determined by a certified appraiser. This term includes structures which have incurred "substantial damages" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure". (Ord. 1111, passed 3-3-80; Am. Ord. 1638, passed 9-8-92; Am. Ord. 2004-05-09, passed 5-3-04)

§ 153.02 DUTIES OF THE ADMINISTRATOR.

The City Engineer for the city is appointed to review all development and subdivision proposals to insure compliance with this chapter, including but not limited to the following duties:

(A) Ensure that all development activities within the SFHA's of the jurisdiction of the city meet the requirements of this chapter.

(B) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

(C) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to § 153.05 of this chapter, and maintain a record of such authorization (either copy of actual permit, letter or recommendation, or floodplain analysis and regulatory assessment).

(D) Maintain a record of the "as-built" elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA.

(E) Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to § 153.06 of this chapter.

(F) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this chapter and to submit reports as required for the National Flood Insurance Program.

(G) Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessment, federal permit documents, and "as built" elevation and floodproofing data for all buildings constructed subject to this chapter.

(H) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of the notifications to FEMA.

(Ord. 1638, passed 9-8-92; Am. Ord. 2004-05-09, passed 5-3-04)

§ 153.03 REGULATORY FLOOD ELEVATION.

(A) This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

(1) The regulatory flood elevation and floodway limits for the SFHA's of Main Beaver Dam Ditch and South Tributary Main Beaver Dam Ditch shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the city dated September, 1979 and the corresponding Flood Boundary Floodway Map dated March 18, 1980, prepared by the Federal Emergency Management Agency.

(2) The regulatory flood elevation and floodway limits for each of the remaining SFHA's delineated as an "A Zone" on the Flood Insurance Rate Map of the city shall be according to the best data available as provided by the Department of Natural Resources.

(3) The regulatory flood elevation and floodway limits for the studied SFHA's of those parts of unincorporated Lake County that are within the extraterritorial jurisdiction of the city shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Lake County dated March 2, 1981 and the corresponding Flood Boundary Floodway Map dated September 2, 1981, prepared by the Federal Emergency Management Agency.

(4) If the SFHA is delineated as "A Zone" on the County Flood Insurance Rate Map, the regulatory flood elevation and floodway limits shall be according to the best available data as provided by the Department of Natural Resources.

(B) If the SFHA is delineated as "AH Zone or AO Zone," the elevation (or depth) will be delineated as "Zone A" on the County Flood Insurance Rate Map. If the SFHA is delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources.

(Ord. 1638, passed 9-8-92; Am. Ord. 2004-05-09, passed 5-3-04)

§ 153.04 IMPROVEMENT LOCATION PERMIT.

No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Building Department.

The Building Department shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this chapter.

(A) The application for an Improvement Location Permit shall be accompanied by the following:

- (1) A description of the proposed development;
- (2) Location of the proposed development - sufficient to accurately locate property and structure in relation to existing roads and streams;
- (3) A legal description of the property site;
- (4) A site development plan showing existing and proposed structure locations and existing and proposed land grades; and
- (5) Elevation of lowest floor (including basement) of all proposed structures. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD).

(B) Upon receipt of an application for an Improvement Location Permit, the Building Official shall determine if the site is located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined.

(1) (a) If the site is in an identified floodway the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

(b) Under the provisions of I.C. 14-28-1 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, and the like, undertaken before the actual start of construction of the building.

(c) No action shall be taken by the Building Official until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Building Officials may issue the local Improvement Location Permit, provided the provisions contained in §§ 153.05 and 153.06 of this chapter have been met. The Improvement Location permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

(2) If the site is located in an identified floodway fringe, then the Building Official may issue the local Improvement Location Permit provided the provisions contained in §§ 153.05 and 153.06 of

this chapter have been met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.

(3) (a) If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

(b) No action shall be taken by the Building Official until either a permit for construction in the floodway or a floodplain analysis and regulatory assessment citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

(c) Once the Building Official has received the proper permit or floodplain analysis and regulatory assessment approving the proposed development, an Improvement Location permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from the Department of Natural Resources and the provisions contained in §§ 153.05 and 153.06 of this chapter have been met.

(4) (a) If the site is an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Building Official shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100-year elevation for the site.

(b) Upon receipt, the Building Official may issue the local Improvement Location Permit, provided the provisions contained in §§ 153.05 and 153.06 of this chapter have been met.
(Ord. 1638, passed 9-8-92; Am. Ord. 2004-05-09, passed 5-3-04)

§ 153.05 PREVENTING INCREASED DAMAGES.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health safety:

(A) Within the floodway identified on the Flood Boundary and Floodway Map, the Flood Insurance Rate Map, or engineering analysis as provided in § 153.04(B)(4), the following standards shall apply:

(1) No development shall be allowed which acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and

(2) For all projects involving channel modifications or fill (including levees) the city shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data.

(B) Within all SFHA's identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:

(1) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

(C) Public Health Standards in all SFHA's:

(1) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of § 153.06 of this chapter.

(2) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPG are watertight.
(Ord. 1638, passed 9-8-92; Am. Ord. 2004-05-09, passed 5-3-04)

§ 153.06 PROTECTING BUILDINGS.

In addition to the damage prevention requirements of § 153.05, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

(A) This building protection requirement applies to the following situations:

(1) Construction or placement of any new building having a floor area greater than 400 square feet;

(2) Structural alterations made to:

(a) An existing (previously unaltered) building, the cost of which equals or exceeds 50% of the value of the pre-altered building (excepting the value of the land).

(b) Any previously altered building.

(3) Reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it

lawfully occupied before it was removed to avoid flood damage; and

(5) Installing a travel trailer on a site for more than 180 days.

(B) This building protection requirement may be met by one of the following methods. The City Engineer shall maintain a record of compliance with these building protection standards as required in § 153.02 of this chapter.

(1) A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:

(a) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.

(b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The lowest floor (see definition of lowest floor in § 153.01) shall be at or above the FPG.

(2) A residential or nonresidential building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:

1. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through a minimum of two openings (in addition to doorways and windows) having a total area of one square inch for every one square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.

2. Any enclosure below the elevated floor is used for non-residential purposes and building access.

3. The lowest point of the interior grade of any crawl space is at or above the BFE.

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(b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.

(c) All areas below the FPG shall be constructed of

materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(3) Manufactured homes and travel trailers (also called recreational vehicles) to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

1. Outside a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

(b) 1. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

(4) Recreation vehicles placed on a site shall either:

- (a) Be on the site for less than 180 consecutive days; and

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(b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(c) Meet the requirements for "manufactured homes" in subdivision (3) of this section.

(5) A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

- (a) A Registered Professional Engineer shall certify that

the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The Building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

(b) Floodproofing measures shall be operable without any human intervention or sources of electricity.

(Ord. 1638, passed 9-8-92; Am. Ord. 2004-05-09, passed 5-3-04)

§ 153.07 STANDARDS FOR UTILITY CONSTRUCTION OR RECONSTRUCTION.

All new or replacement water mains, valves, and other appurtenances, and all new or replacement sewers, manholes, and other appurtenances constructed or reconstructed in a flood hazard area break as defined elsewhere by ordinance shall be designed and constructed to minimize or eliminate infiltration of floodwater into these systems and discharges from these systems into floodwaters necessary to protect the public interest.

(Ord. 1638, passed 9-8-92)

§ 153.08 OTHER DEVELOPMENT REQUIREMENTS.

(A) The Advisory Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in a floodplain as defined elsewhere by ordinance. If the Plan Commission finds the subdivision to be so located, the Plan Commission shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Plan Commission shall require appropriate changes and modifications in order to assure that:

(1) It is consistent with the need to minimize flood damages;

(2) All public utilities and facilities, such as sewer, gas, electrical, and water system are located and constructed to minimize or eliminate flood damage;

(3) Adequate drainage is provided so as to reduce exposure to flood hazards;

(4) Storm water detention or retention facilities are not constructed in the floodplain; and

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(5) On site waste disposal systems, if provided, will be so located and designed to avoid impairment or them or contamination from them during the occurrence of the regulatory flood.

(B) Developers shall record the 100 year flood elevation on all subdivision plats containing lands identified elsewhere by ordinance as within a flood hazard area prior to submitting the plats for approval by the Plan Commission.

(C) All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM develop an evacuation plan for those lots located in Zone A and file it with the local Plan Commission and have it filed and approved with the appropriate community emergency management authorities.

(Ord. 1638, passed 9-8-92)

§ 153.09 PLAN COMMISSION RULES OF PROCEDURES.

(A) The Advisory Plan Commission shall keep and maintain all records, including all lowest floor elevations, certificates, plans, and other materials associated with any permit or variance issued in a Floodway, Floodway Fringe, or Floodplain District.

(B) The Advisory Plan Commission shall not issue any permit, license, or variance for the location or occupancy of any mobile home in a Floodway, Floodway Fringe, or Floodplain District, until such time as proper notice written on lease deed or purchase contract is given to the mobile home owner that the mobile home is in a flood hazard area.

(C) The Advisory Plan Commission shall notify the Federal Insurance Administration of all permits issued in the Floodway District concerning watercourse alteration. In addition to forwarding a copy of all such permits to the Federal Insurance Administration, they shall require that maintenance is provided within the altered or relocation portion of the watercourse so that the flood-carrying capacity is not diminished.
(Ord. 1638, passed 9-8-92)

§ 153.10 VARIANCES (B.Z.A.).

(A) The Advisory Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this chapter provided the applicant demonstrates that:

(1) There exists a good and sufficient cause for the requested variance;

(2) The strict application of the terms of this chapter will constitute an exceptional hardship to the applicant; and

(3) The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or

victimization of the public, or conflict with existing laws or ordinances.

(B) The Advisory Board of Zoning Appeals may issue a variance to the terms and provisions of this chapter subject to the following standards and condition:

(1) No variance or exception for a residential use within a flood-way subject to § 153.05 (A) or (B) may be granted;

(2) Any variance or exception granted in a floodway subject to § 153.05 (A) or (B) will require a permit from Natural Resources;

(3) Variances or exceptions to the Building Protection Standards of § 153.06 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade;

(4) Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register or Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;

(5) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

(6) The Advisory Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums. (Ord. 1638, passed 9-8-92)

§ 153.11 DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of the community, Natural Resources, or the state, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder. (Ord. 1638, passed 9-8-92)

§ 153.12 VIOLATIONS.

Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this chapter. All

violations shall be considered a common nuisance and be treated as such in accordance with the provisions of § 92.02 of this code for the city and punishable under § 92.99(D) thereof.

(A) A separate offense shall be deemed to occur for each day the violation continues to exist.

(B) The Crown Point Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(C) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs and attorney fees connected therewith shall accrue to the person or persons responsible.

(Ord. 1638, passed 9-8-92)

§ 153.13 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals, amends or replaces other ordinances adopted by the city to fulfill the requirements of the National Flood Insurance Program, including Ordinance 1111. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more restrictive restrictions shall take precedence and apply. In addition, the city shall assure that all National Flood Insurance regulations (contained in 44 CFR Section 60) as well as Indiana laws and regulations regarding floodplain issues (312 IAC 10, I.C. 14-28-1 and I.C. 14-28-3) are met.

(Ord. 1638, passed 9-8-92; Am. Ord. 2004-05-09, passed 5-3-04)

§ 153.14 SEPERABILITY.

The provisions and sections of this chapter shall be deemed separable and the invalidity of any portion of this chapter shall not affect the validity of the remainder.

(Ord. 1638, passed 9-8-92)

CONDOMINIUMS

Section

- 154.01 Construction; application
- 154.02 Definitions
- 154.03 Notice of intent required; disclosure
- 154.04 Rights of tenants
- 154.05 Water and sewer utilities

- 154.99 Penalty

§ 154.01 CONSTRUCTION; APPLICATION.

(A) This chapter shall be construed liberally to insure protection for the consumer tenant when he is subject to a condominium conversion.

(B) This chapter shall apply to all residential property within the city which is brought within the provisions of the State Horizontal Property Law, or which qualifies as a common law condominium, so as to make the property a conversion condominium as defined in §154.02. However, this chapter shall not apply to the following.

(1) Condominium units which, prior to the effective date of this chapter, have been sold under a binding contract of sale to a purchaser for use as a residence.

(2) Condominiums lawfully established prior to the effective date of this chapter.
(Ord. 1208, passed 3-1-82)

Statutory reference:

State Horizontal Property Law, see IC 32-1-6-1 et seq.

§ 154.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CONDOMINIUM." Real estate formally submitted or subject to the provisions of IC 32-1-6-1 et seq., as that state law may be amended from time to time, or a "COMMON LAW CONDOMINIUM" as that term has been interpreted under state law.

"CONDOMINIUM INSTRUMENTS." The declaration, by-laws, and plats and floor plans of the condominium, together with any exhibits or schedules thereto, which IC 32-1-6-1 et seq. requires to be filed in the office of the County Recorder.

"CONDOMINIUM UNIT." An enclosed space consisting of one or more rooms occupying all or part of a floor or floors in a structure of

one or more floors or stories designed for residential use, with either a direct exit to a public street or highway or an exit to a thoroughfare or to a given common space leading to a thoroughfare, together with the undivided interest in the common leading to a thoroughfare, together with the undivided interest in the common areas as that phrase is defined by IC 32-1-6-2.

"CONVERSION CONDOMINIUM." A condominium in which some or all of the units were occupied before the establishment of the condominium.

"DECLARATION." The "DECLARATION" required to be filed in the office of the County Recorder by IC 32-1-6-1 et seq. in order to bring property within the provisions of that state law.

"DEVELOPER." Any person who has property legally or equitably owned by him subject to the provisions of IC 32-1-6-1 et seq., including any successor to the developer's entire interest in the property.

"TENANT." A person occupying, under an existing lease, a unit of a building located on property which has not been submitted to the provisions of IC 32-1-6-1-et seq. or qualified as a common law condominium. For the purposes of the right of first option given in § 154.04, "TENANT" means a tenant who was a tenant on the date of the notice of intent and a tenant on the date he exercises his right of first option.

(Ord. 1208, passed 3-1-82)

§ 154.03 NOTICE OF INTENT REQUIRED; DISCLOSURE STATEMENT.

(A) Notice of intent. A developer intending to submit property to the provisions of IC 32-1-6-1 et seq. or to qualify property as a common law condominium, shall give notice of this intent, not less than 120 days and not more than one year prior to the recording of a declaration and other condominium instruments, to all persons who are tenants on the date the notice is given, and to the City Engineer, the City Building Commissioner, the City Attorney, and the Superintendent of Waterworks. The notice of intent shall be delivered to each tenant either by personal delivery or by registered or certified United States mail, return receipt requested. The notice of intent shall contain the following information.

(1) A proposed date, no earlier than 120 days from the date of delivery of the notice, upon which the developer intends to file the declaration in the office of the County Recorder, or to otherwise qualify as a common law condominium.

(2) A copy of the proposed declaration and by-laws.

(3) A copy of the disclosure statement required by this chapter.

(4) A statement clearly explaining the rights given each tenant under the terms of division (B) of this section.

(5) The notice of intent may be conditioned upon the attainment of a fixed percentage of condominium sales with a fixed period of time for the stated condominium conversion development.

(6) The number of water meters and connections that will be required for the conversion.

(B) Disclosure statement. The disclosure statement required to be delivered to each tenant by division (A) shall include the following information.

(1) The name, address, and telephone number of the developer who proposes to submit the premises to the provisions of IC 32-1-6-1 et seq. or to qualify the premises as a common law condominium.

(2) A copy of a report from a qualified registered architect or licensed professional engineer describing the present condition and expected useful life of the roof, foundation, external and supporting walls, mechanical, electrical, plumbing, heating, and structural elements and all other common facilities, together with an estimate of repair and replacement at current market prices.

(3) A list of any outstanding notices of uncured violations of the building code, zoning code, or other municipal regulations, together with the estimated cost of curing those violations.

(4) An itemized common area expense budget providing the estimated cost of all operating, administrative, maintenance, repair, and other expenses which are to be paid by the owners of the condominium units on a pro-rata basis.

(5) A statement of all current real property taxes and other assessments against the property, and the estimated amount of the taxes or assessments which would be payable by the unit owner.

(6) A statement of the initial offering price for the condominium to be sold and the terms and conditions for the sale.

(7) A statement of any available financing arrangements for a tenant.

(Ord. 1208, passed 3-1-82) Penalty, see §154.99

§ 154.04 RIGHTS OF TENANTS.

(A) Any person who was a tenant on the date of the notice of intent and whose tenancy expires other than for cause prior to the expiration of 120 days from the date on which a copy of the notice of intent was received, shall have the right to an additional

tenancy on the same terms and conditions for the same rental until the expiration of the 120 day period if the tenant gives written notice to the developer of his intent to exercise that right within 30 days of the date upon which the notice was received. Any additional tenancy may be withheld if the tenant is in arrears, has committed waste, or has been determined to cause a general nuisance. In the case of any tenant who is over 65 years of age, or who is deaf, blind, or unable to walk without mechanical assistance, the tenant shall have the right, upon giving written notice, to an additional tenancy on the same terms and conditions and for the same rental for a period of 180 days following receipt of notice of intent if the tenant gives written notice of his intent to exercise that right within 30 days of the date upon which the notice of intent was received.

(B) A developer shall not sell or offer to sell any conversion condominium unit which is in the possession of a tenant who received notice pursuant to §154.03(A) without first offering to sell the unit to the tenant. The developer shall deliver to the tenant, either by personal delivery or by registered or certified United States mail, return receipt requested, an offer to sell the unit to the tenant, specifying the price and all other terms and conditions of the offer. The offer shall be made no later than 120 days before the date upon which the developer will require the tenant to vacate.

(1) No tenant entitled to receive such an offer shall be required to vacate his unit any earlier than 120 days from the receipt of the offer, except by reason of nonpayment of rent, waste, or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy shall not be altered during that period.

(2) The tenant shall have 60 days from receipt of the offer to either accept or reject the offer. If the tenant rejects the offer or fails to accept the offer within the 60-day period, the developer may not offer to dispose of an interest in that unit during the 90 days following either the tenant's rejection of the offer or the expiration of the 60-day period, whichever occurs first, at the price or on terms more favorable to the offeree than the price or terms offered to the tenant.

(C) If a developer, in violation of division (B) above, conveys a unit to a purchaser for value who has no knowledge of the violation, recordation of the deed conveying the unit extinguishes any right a tenant may have under division (B) to purchase that unit if the deed states that the seller has complied with division (B); but this does not affect any claim the tenant may have against the developer for damages, nor does it affect the penalties provided in §154.99

(Ord. 1208, passed 3-1-82) Penalty, see §154.99

§ 154.05 WATER AND SEWER UTILITIES.

(A) Water. The developer shall provide a separate water connection and water meter, approved in advance of conversion by the City Engineer, for each unit. The developer shall be liable, and pay the city, for all costs of connections, installations, and water meters, in advance, and shall deposit in advance with the Clerk-Treasurer a cash bond or surety in an amount established by the City Engineer as sufficient to pay for these costs. The bond shall be released only upon unconditional approval of the installations, connections, and meters by the City Engineer. Applicable consumer deposits shall be made for each connection and water meter.

(B) Sewer. Each tenant shall be charged for sewer use on the same basis as any other user of water in the city.
(Ord. 1208, passed 3-1-82) Penalty, see §154.99

Cross-reference:

Condominium units to be separately connected and metered for water use, see § 50.04

§ 154.99 PENALTY.

(A) Any person found guilty of violating any of the provisions of this chapter, upon conviction, may be punished by a fine not exceeding \$2,500 per violation.

(B) Any person who makes or causes to be made any material misrepresentations with respect to the information required to be included in a disclosure statement shall be guilty of a violation of this chapter, and upon conviction may be punished by a fine not to exceed \$2,500.

(C) The penalty provisions of this section shall be in addition to any legal or equitable remedy available under state law.
(Ord. 1208, passed 3-1-82)

HOUSING

Section

General Provisions

- 155.01 Application of regulations
- 155.02 Definitions
- 155.03 Permitted placement
- 155.04 Exterior appearance standards
- 155.05 Installation standards
- 155.06 Remedies for violations; removal

Permits

- 155.10 Improvement location permit
- 155.11 Certificate of occupancy
- 155.12 Failure to obtain

- 155.99 Penalty

GENERAL PROVISIONS

§ 155.01 APPLICATION OF REGULATIONS.

This chapter shall apply only to manufactured housing located outside of manufactured housing parks. For the purpose of IC 36-7-4-1106, this chapter shall apply only to manufactured homes constructed after January 1, 1981.
(Ord. 1206, passed 3-1-82)

§ 155.02 DEFINITIONS.

For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

"MANUFACTURED HOME." A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, and bearing a seal certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Code and complying with the Uniform Building Code for One-and-Two Family Homes of the state. A MANUFACTURED HOME shall contain a minimum of 950 square feet occupied space and exceed a minimum width of 23 feet.
(Ord. 1206, passed 3-1-82)

§ 155.03 PERMITTED PLACEMENT.

(A) The establishment, location, and use of manufactured homes as permanent residences approved individually, by specific materials, or by design, shall be permitted in any zone permitting installation of a dwelling unit, subject to requirements and limitations applying generally to the residential use in the district.

(B) Manufactured homes shall meet the following requirements and limitations.

(1) The dwelling shall meet the appropriate exterior appearance standards as hereinafter set forth in §155.04.

(2) The dwelling shall be located in a district where the use is permitted in the schedule of uses as defined in the zoning code.

(3) The dwelling shall receive all required permits and conform with the comprehensive plan, building codes, and other ordinances of the city.

(Ord. 1206, passed 3-1-82)

§ 155.04 EXTERIOR APPEARANCE STANDARDS.

A manufactured home shall comply with the following.

(A) It shall conform to the minimum square footage requirements of appropriate zoning classification in the zoning code for residential construction.

(B) It shall be placed on a foundation meeting all the requirements of a conventional single-family home foundation.

(C) It shall be anchored to the ground, in accordance with approved manufactured home installation standards.

(D) It shall have wheels, axles, and hitch mechanisms removed.

(E) It shall meet appropriate utility connection standards, in accordance with approved home installation standards.

(F) It shall have siding material of a type customarily used on site-constructed residences.

(G) It shall have roofing materials of a type customarily used on site-constructed residences, with a minimum of three inches of pitch for each foot of horizontal travel.

(H) It shall be placed onto a permanent exterior perimeter retaining wall, in accordance with the approved manufactured home installation standards.

(Ord. 1206, passed 3-1-82)

§ 155.05 INSTALLATION STANDARDS.

(A) Perimeter retaining wall. Those manufactured homes designated in the zoning code as requiring perimeter retaining walls must be set onto an excavated area with foundations, footing, and basement walls constructed in accordance with the terms of the one- and two-family dwelling code. The space between the floor

joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter retaining wall. The wall shall be composed of solid masonry, which shall extend below the frost line. The design by a registered professional engineer or architect shall safely support those loads, as determined by the character of the soil.

(B) Foundations. All manufactured housing shall be installed on foundations in accordance with the requirements of the one-and two-family dwelling code of the state.
(Ord. 1206, passed 3-1-82)

§ 155.06 REMEDIES FOR VIOLATIONS; REMOVAL.

(A) The legal department may institute suit for injunctive relief or damages in court of competent jurisdiction to enforce the terms of this chapter, and for all other appropriate relief.

(B) A structure, located on property in violation of this chapter, shall be subject to removal from the property. However, the owner shall be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to force compliance, the expenses involved shall be chargeable to the owner and constitute a lien against the property.
(Ord. 1206, passed 3-1-82)

PERMITS

§ 155.10 IMPROVEMENT LOCATION PERMIT.

(A) Prior to the location, relocation, or establishment of any manufactured home, the home owner or authorized representative shall secure from the Building Commissioner an improvement location permit, which states that the building and its location conform with the comprehensive plan and the zoning code. Each application for an improvement location permit shall be accompanied by the following.

(1) A plot plan as required for all dwelling units, but which at a minimum include elevations, roof materials, exterior dimensions, perimeter retaining wall treatment, foundation construction and materials, exterior finishes and the like.

(2) Sewer and water tap-on permits.

(3) A copy of the approved instructions, which will be used for installation purposes, where applicable.

(4) Any other information, as may be required by the Building Commissioner for the proper enforcement of this chapter.

(5) An agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the Plan Commission in the improvement permit.

(B) After the receipt of the information required for an improvement location permit, as specified in division (A) above, the Building Commissioner shall review the standards set in this chapter. If the applicant has met all required standards, then within 30 days the improvement location permit shall be issued by the Building Commissioner.

(C) If, after receipt of the information required for an improvement location permit, as specified in division (A) above, the Building Commissioner finds that the applicant has not fully met the standards of this chapter, and the changes or additional actions needed are deemed by the Building Commissioner to be relatively minor or simple, a conditional approval can be granted within 30 days, with the stated conditions which must be met prior to occupancy explained therein. The applicant's agreement in writing to the further conditions thereafter is deemed an amendment to his application. If the applicant does not so agree, the application is deemed denied without further action.

(D) If the Building Commissioner determines that an application does not comply with the requirements of this chapter, then, within 30 days of the date of the application, the Commissioner shall deny the application in writing, stating the reasons therefor.
(Ord. 1206, passed 3-1-82)

§ 155.11 CERTIFICATE OF OCCUPANCY.

(A) Prior to the occupancy of any manufactured home, the home owner or authorized representative shall secure from the Building Commissioner a certificate of occupancy stating the building and its use comply with all provisions of this chapter applicable to the building or the use in the district in which it is located.

(B) After submission of an application for a certificate of occupancy, the Building Commissioner shall inspect the property and make any referrals to other local officials for technical determinations as he deems appropriate for conformance with conditions of the improvement location permit and the standards set out in this chapter. If the applicant has conformed with all of the required conditions and standards, a certificate of occupancy shall be issued.

(C) If any of the conditions or standards required by this chapter have not been complied with, the certificate of occupancy shall not be issued, and a written statement specifying the reasons for non-issuance shall be made and given to the applicant.
(Ord. 1206, passed 3-1-82)

§ 155.12 FAILURE TO OBTAIN.

Failure to obtain either an improvement location permit or a certificate of occupancy shall be a violation of this chapter and punishable under the provisions of §155.99.
(Ord. 1206, passed 3-1-82)

§ 155.99 PENALTY.

Each day of non-compliance with the provisions of this chapter constitutes a separate and distinct violation. Any person, firm, or corporation violating the terms of this chapter shall be fined in a sum of not less than \$100 nor more than \$2,500.
(Ord. 1206, passed 3-1-82)

CHAPTER 156: HISTORIC DISTRICTS

Section

- 156.01 Purpose and definitions
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- 156.04 Public hearing
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- 156.06 Certificates of appropriateness (COA)
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§ 156.01 PURPOSE AND DEFINITIONS.

(A) Purpose of Historic Preservation and Protection. In order to promote the educational, cultural and general welfare of the citizens of the city and to insure the harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents; to ensure the viability of the city and to enhance tourism within the city; it is deemed essential by the city that qualities relating to its history and harmonious outward appearance to its structures be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility in regards to style, form, proportion, texture and material between historic buildings and those of contemporary design. It is the intention of the city through this chapter to preserve and protect historic and architecturally worthy buildings, structures, sites, monuments, streetscapes and neighborhoods which impart a distinct aesthetic quality to the city and serve as visible reminders of its historic heritage.

(B) Definitions. The following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense include the future tense. The singular number includes the plural and the plural the singular. "SHALL" is always mandatory. "PERSON" includes a firm, a partnership, a limited liability company, or a corporation, as well as an individual. Terms not defined in this section shall have the meanings customarily assigned to them.

"ALTERATION." A material or color change in the external architectural features of any building, structure, or site within a historic district.

"CLASSIFICATIONS."

(a) Outstanding: The "O" classification means that the property has sufficient historic or architectural significance that is listed, or is eligible for individual listing, in the National Register of Historic Places. Outstanding resources can be of local, state or national importance.

(b) Notable: A classification of "N" means the property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.

(c) Contributing: A "C" classification means the property is at least 40 years old, but does not meet the criteria for an "O" or "N" classification. Such resources are important to the density or continuity of the area's historic fabric. Contributing structures can be listed in the National Register only as part of a historic district.

(d) Non-Contributing: Property classified as "NC" is not included in an inventory unless it is located within the boundaries of a historic district. Such properties may be less than 50 years old, or they may be older structures that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for listing in the National Register.

"DEMOLITION." The complete or substantial removal of any building, structure or site located in a historic district.

"HISTORIC DISTRICT." A single building, structure, object or site or a concentration of buildings, structures, objects, spaces, or sites, the boundaries of which are described or delineated on a map approved in an ordinance adopted under this chapter.

"INTERESTED PARTY." One of the following:

- (a) The Mayor.
- (b) The City Council.
- (c) The City Plan Commission.

(d) A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of a historic district designated by an ordinance adopted under this chapter.

- (e) An owner or occupant of property located in a historic

district established by an ordinance adopted under this chapter.

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(f) Historic Landmarks Foundation of Indiana, Inc., or any of its successors.

(g) The state historic preservation officer designated under IC 14-3-3.4-10.

"PRESERVATION GUIDELINES." Criteria, locally developed, which identify local design concerns in an effort to assist property owners in maintaining the character of the designated district or building during the process of rehabilitation or new construction.

"PRIMARY AREA." The principal area of historic and/or architectural significance within a historic district as delineated on the map establishing the boundaries of the historic district.

"ROUTINE MAINTENANCE." Work for which no certificate of appropriateness is required.

"SECONDARY AREA." An area in a historic district delineated on the map establishing the boundaries of the historic district that is adjacent to a primary area and which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent, primary area.

"STREETSCAPE." Appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e.g., street lights, trash receptacles, benches, etc.) use of plant materials such as trees and shrubs and the setback, mass and proportion of those buildings which enclose the street.

"VISUAL COMPATIBILITY." Those elements of design that meet the guidelines set out in § 156.08.

(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

§ 156.02 HISTORIC PRESERVATION COMMISSION ESTABLISHMENT AND ORGANIZATION.

(A) Creation. There is hereby established the Crown Point Historic Preservation Commission (hereinafter the "Commission").

(1) The Commission shall be composed of nine members who reside in the city and appointed by the Mayor as follows:

(a) One person from the membership of the Advisory Plan Commission.

(b) Two persons from the membership of the Common Council.

(c) Six persons who are interested in the preservation and development of historic areas and shall include professionals in the

disciplines of architectural history, planning and other disciplines related to historic preservation to the extent that those professionals are available in the community. Of the six persons, no more than three shall be of the same political party. At least two of the six persons shall be owners of property within a designated historic district.

(2) Each member of the Commission shall be a voting member and each member shall serve for a term of three years. Each member shall serve until a successor is appointed and qualified. In the event that any member dies, resigns, ceases to qualify, is removed, or a vacancy on the Commission is created for any reason, the vacancy shall be filled by appointment for the remainder of the term.

(3) Commission Administrator. The City Planning Director shall serve as the ex-officio Administrator of the Commission. The Administrator shall provide staff assistance to the Commission, act as the Commission's secretary, and issue certificates of appropriateness as directed by the Commission.

(4) Officers. The Commission shall elect from its membership a Chairperson and Vice-Chairperson who shall serve for one year and who may be reelected.

(5) Rules. The Commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings.

(6) Meetings. Commission meetings must be open to the public in accordance with Indiana's Open Door Law and a public record shall be kept of the Commission's resolutions, proceedings and actions. The Commission shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Commission and its rules.

(B) Powers and Duties of the Commission.

(1) The Commission shall be concerned with those elements of development, redevelopment, rehabilitation and preservation that affect visual quality in a historic district, which include, but are not limited to, viewsheds, landscapes and streetscapes of historic importance. The Commission may not consider details of design, interior arrangements or building features, if those details, arrangements or features are not subject to public view, and may not make any requirement except for the purpose of preventing development, alteration or demolition in the historic district obviously incongruous with the historic district.

(2) The Commission shall conduct surveys and establish historic districts in accordance with the provisions of §§ 156.20 and 156.22.

(3) The Commission may adopt preservation guidelines for architectural review. If adopted, preservation guidelines shall be published and made readily accessible to the general public.

(4) The Commission has the authority to receive funds in order to promote its stated purpose.

(5) The Commission shall promote public interest in historic preservation by initiating and carrying on a public relations and community education program.

(6) The Commission, through this chapter, may:

(a) Acquire by purchase, gift, grant, bequest, devise or lease any real or personal property, including easements, that is appropriate for carrying out the purposes of the Commission;

(b) Hold title to real and personal property; and

(c) Sell, lease, rent or otherwise dispose of real and personal property at a public or private sale on the terms and conditions that the Commission considers best.

(7) The Commission shall establish procedures that the Commission must follow in acquiring and disposing of property. (Ord. 2003-06-18, passed 7-14-03)

§ 156.03 HISTORIC DISTRICTS, CONSERVATION DISTRICTS, AND GUIDELINES.

(A) All recommendations for the establishment of a historic district shall be in the form of a written report and must be based on the criteria outlined in this section. A written recommendation for establishing a historic district may be initiated from either of the following two sources:

(1) Based on its survey, the Commission may draw and submit historic district maps for Common Council approval.

(2) Owners of property in fee simple wishing to establish a historic district which includes their property may petition the Commission to consider drawing and submitting a map or maps of said property to the Common Council for its approval. The Commission may establish in its rules criteria to be met before it considers a petition.

(B) Conservation Districts. The Commission may recommend, and the Common Council may provide that the establishment of a historic district shall occur in two phases. During the first phase, which continues for a period of three years from the date the ordinance is adopted, a certificate of appropriateness is required for the following activities: the demolition of any building; the moving of any building; and any new construction of a principal building or accessory building or structure subject to view from a public way.

(1) At the expiration of the initial three-year period, the first phase of a conservation district continues and the second phase does not become effective if a majority of the property owners in the district object to the Commission, in writing, to the requirement that certificates of appropriateness be issued for the following activities:

(a) A conspicuous change in the exterior appearance of historic buildings by additions, construction, alteration or maintenance involving exterior color changes;

(b) A change in walls or fences or construction of walls and fences, if along public ways;

(c) A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration or maintenance involving exterior color change.

(2) The objections of a majority of property owners must be received by the Commission not earlier than 180 days or later than 60 days before the third anniversary of the adoption of the ordinance.

(C) Commission Preparation of Historic District Maps. In order to establish a historic district, the Commission shall first prepare a map describing the district in accordance with the following:

(1) The map shall be based on a survey conducted by the Commission, which identifies historic buildings, structures and sites located within the city.

(2) A district may be limited to the boundaries of a property containing a single building, structure or site.

(3) The map may divide the district into primary and secondary areas as follows:

(a) Primary Area. The principal area of historic and architectural significance.

(b) Secondary Area. An area adjacent to the primary area that has a visual relationship to the primary area and could affect the preservation of the primary area. That purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.

(D)(1) The Commission shall classify and designate on the map all buildings, structures and sites within each historic district described on the map. Buildings, structures and sites shall be classified as historic or non-historic. Historic buildings, structures and sites must possess identified historic or architectural merit of a degree warranting their preservation. The Commission shall further classify and designate all buildings and structures within a proposed historic district as follows:

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- (a) Outstanding;
- (b) Notable; or
- (c) Contributing.

(2) Non-historic buildings, structures and sites are those not classified on the map as historic. In lieu of other classifications, the Commission may devise its own system of further classification of historic buildings, structures and sites.
(Ord. 2003-06-18, passed 7-14-03)

§ 156.04 PUBLIC HEARING.

(A) Before the map setting forth the historic district boundaries and building classifications, or any amendment thereto, is submitted to the Common Council, the Historic District Preservation Commission shall conduct a public hearing thereon.

(B) Notice of the public hearing shall be by publication in accordance with IC 5-3-1-2(b). In addition, the Administrator shall cause each owner of an interest in property included within any proposed historic district to be notified in writing of the public hearing and the purpose thereof, by United States Mail, first class, postage prepaid, mailed at least 15 days prior to the date of the public hearing.

(C) As proof of the written notice, the Administrator may submit to the Commission an affidavit of mailing in the usual form, with a list of the names and addresses of said affected property owners, certified to a current date by the County Auditor, Title Company or Township Assessor prior to the commencement of the public hearing.

(D) The map setting forth the historic district boundaries and building classifications shall be submitted to, and approved in an ordinance by the Common Council before the historic district is established and the building classifications take effect.

(E) The Historic Preservation Commission may conduct additional surveys and draw and submit additional maps for approval of the Common Council, as it considers appropriate.

(F) Officially approved historic districts shall be delineated upon the city's zoning map, along with necessary references. In all zoning districts lying within the boundaries of a historic district, the regulations for both the zoning district and for the historic district shall apply.

(G) The map establishing boundaries of the historic district may be recorded in the office of the Lake County Recorder.
(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

§ 156.05 INTERIM PROTECTION.

(A) When submitting a map to the Common Council under § 156.03, the Commission may declare one or more buildings or structures that are classified and designated as historic on the map to be under interim protection.

(B) Not more than two working days after declaring a building, structure or site to be under interim protection under this section, the Commission shall, by personal delivery or first class mail, provide the owner or occupant of the building, structure or site with a written notice of the declaration. The written notice must:

(1) Cite the authority of the Commission to put the building, structure or site under interim protection under this section;

(2) Explain the effect of putting the building, structure or site under interim protection; and

(3) Indicate that the interim protection is temporary.

(C) A building or structure put under interim protection under subsection (A) above remains under interim protection until the map is:

(1) Submitted to; and

(2) Approved in an ordinance or rejected by the Common Council.

(D) While a building, structure or site is under interim protection under this section:

(1) The building, structure or site may not be demolished or moved; and

(2) The exterior appearance of the building, structure or site may not be conspicuously changed by:

(a) Addition;

(b) Reconstruction; or

(c) Alteration.

(E) The Commission may approve a certificate of appropriateness at any time during the period of interim protection, provided the proposed change meets the criteria for considering effect of actions on historic buildings in § 156.06(E) and any proposed preservation guidelines prepared for the building, structure or site, but the certificate of appropriateness shall have no effect and no action may be taken pursuant thereto, unless the map including the building, structure or site is approved by the Common Council.

(F) (1) Any request for a demolition permit received by the

city pertaining to properties located within a National Register Historic District within the corporate boundaries of the city, properties listed in the Lake County Interim Report or a property that is individually listed on the National Register of Historic Places, shall be subjected to no less than a 60-day or more than 74-day waiting period before issuance of a demolition permit.

(2) The City of Crown Point Director of Planning and Building shall notify in writing the Crown Point Historic Preservation Commission of the demolition requests within three working days of receipt of an application for a demolition permit by mailing or otherwise delivering the notices to the chairperson of the Commission and the staff person who regularly assists in the administration of the Commission's duties and activities.

(3) Notice of the request for a demolition permit shall be posted in a conspicuous place on the property sought to be demolished for a period of no less than 14 days. Notice signs shall be prepared and posted by the city.

(4) At the conclusion of no less than 60 days or more than a 74-day waiting period, a demolition permit may be issued by the city.

(5) The Director of Planning and Building shall waive or shorten the aforementioned 60-day waiting period in the event the Director concludes that the subject property is deemed hazardous to the public health, safety, and welfare as provided in the Unsafe Building Code.

(6) At the discretion of the Director of Planning and Building, the waiting period of no less than 60 days or more than 74 days may be extended for an additional 14 days.
(Ord. 2003-06-18, passed 7-14-03; Am. Ord. 2004-03-03, passed 3-1-04; Am. Ord, 2004-08-21, passed 8-2-04)

§ 156.06 CERTIFICATES OF APPROPRIATENESS (COA).

(A) Certificates of Appropriateness (COA) Required. A certificate of appropriateness must be issued by the Commission before a permit is issued for, or work is begun on, any of the following:

(1) Within all areas of a historic district:

(a) The demolition of any building or structure;

(b) The moving of any building or structure;

(c) A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving and

signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance; or

(d) Any new construction of a principal building or accessory building or structure subject to view from a public way.

(2) Within a primary area of a historic district:

(a) A change in walls and fences, or the construction of walls and fences, along public ways;

(b) A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration and/or maintenance involving exterior color change.

(3) Within a conservation district:

(a) The moving of any building;

(b) The demolition of any building; or

(c) Any new construction of a principal building or accessory building or structure subject to view from a public way.

(B) Application for Certificates of Appropriateness. Application for a certificate of appropriateness may be made in the City Planning Department on forms provided by that office. All applications shall be subject to the rules and requirements established by the Commission. Rules may include, but are not limited to, filing deadlines and application requirements such as sketches, drawings, photographs, descriptions, or other information which the Commission requires to make a decision.

(C) Approval or Denial of Certificates of Appropriateness. The Commission may approve or deny certificates of appropriateness for any actions covered by this chapter. If an application for a certificate of appropriateness is approved by the Commission, or is not acted on by the Commission within 30 days after it is filed, a certificate of appropriateness shall be issued. The Commission may grant an extension of the 30-day limit if the applicant agrees to it. The Commission must report its findings and the reasons for its decision in written form, and supply the applicant with a copy of its report. A copy of the certificate of appropriateness must be submitted with the application for a building or demolition permit; no building or demolition permit shall be issued unless a copy of the certificate of appropriateness is provided by the applicant with the application.

(D) Appeal to Common Council. In the event that the Historic Preservation Commission denies an application for a certificate of appropriateness, the applicant may appeal that decision to the Common

Council by filing a Notice of Appeal with the Clerk-Treasurer within ten days of the denial. The Notice of Appeal shall specify why the appeal is being made. The Clerk-Treasurer shall notify the Common Council of the Notice of Appeal within five days of receipt by the Clerk's office. The hearing of the appeal shall be placed upon the agenda of a meeting of the Common Council not later than 31 days after the appeal is received by the Clerk. The Council shall have 31 days from the hearing of the appeal to vote on the appeal. A simple majority of the Common Council shall be necessary to overturn the decision of the Historic Preservation Commission denying the certificate of appropriateness. Only one vote of the Common Council is required to take action on the appeal and that vote is not subject to veto by the Mayor. In the event that the Common Council overturns a decision of the Historic Preservation Commission denying a certificate of appropriateness, the Historic Preservation Commission shall issue a certificate of appropriateness to the person bringing the appeal within ten days of the vote by the Common Council. Nothing about this appeal process to the Common Council is intended to affect the procedure established by IC 36-7-11-4 for judicial review under IC 4-21.5-5.

(E) Criteria for Considering Effect of Actions on Historic Buildings. The Commission, in considering the appropriateness of any reconstruction, alteration, maintenance or moving of an historic building, structure, site or any part of or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving and signs shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure or appurtenance. In considering historic and architectural character, the Commission shall consider, among other things, the following:

- (1) Purposes of this chapter;
- (2) Historical and architectural value and significance of the building, structure, site or appurtenance;
- (3) Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;
- (4) The texture, material, color, style and detailing of the building, structure, site or appurtenance;

(5) The continued preservation and protection of original or otherwise significant structure, material and ornamentation;

(6) The relationship of buildings, structures, appurtenances or architectural features similar to one within the same historic district, including primary areas, visual compatibility as defined in § 156.08; and

(7) The position of the buildings or structure in relation to the street, public right-of-way and to other buildings and structures.

(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

§ 156.07 STAFF APPROVALS.

(A) The Commission may authorize the staff of the Commission, on behalf of the Commission, to grant or deny an application for a certificate of appropriateness.

(B) The Commission shall specify by rule the types of applications for certificates of appropriateness that the staff of the Commission is authorized to grant or deny. The staff may not be authorized to grant or deny an application for a certificate of appropriateness for the following:

(1) The demolition of a building, structure or site.

(2) The moving of a building or structure.

(3) The construction of an addition to a building or structure.

(4) The construction of a new building or structure.

(Ord. 2003-06-18, passed 7-14-03)

§ 156.08 VISUAL COMPATIBILITY.

(A) For new construction, contemporary design, and non-historic buildings: to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods and to ensure their compatibility with any new work, the construction of a new building or structure and the moving, reconstruction, alteration, color change, major maintenance, or repair conspicuously affecting the external appearance of any non-historic building, structure or appurtenance within the primary area must be generally of a design, form, proportion, mass, configuration, building material, texture, color and location on a lot compatible with other buildings in the historic district and with places to which it is visually related.

(B) Criteria for Considering Visual Compatibility Within Historic Primary Areas. Within the primary area of a historic district, new buildings, structures and appurtenances that are moved, reconstructed, materially altered, repaired or changed in color, must be visually compatible with buildings and places to which they are visually related generally in terms of the following visual compatibility factors:

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(1) Height. The height of proposed buildings must be visually compatible with adjacent buildings.

(2) Proportion of Building's Front Facade. The relationship of the width of a building to the height of the front elevation must be visually compatible to buildings, squares, and places to which it is visually related.

(3) Proportion of Openings Within the Facility. The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.

(4) Relationship of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.

(5) Rhythm of Spacing of Buildings on Streets. The relationship of a building to the open space between it and adjoining buildings must be visually compatible with buildings, squares, and places to which it is visually related.

(6) Rhythm of Entrances and Porch Projections. The relationship of entrances and porch projections of a building to sidewalks must be visually compatible to the buildings, squares, and places to which it is visually related.

(7) Relationship of Materials, Texture, and Color. The relationship of the materials, texture, and color of the facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.

(8) Roof Shapes. The roof shape of a building must be visually compatible with the buildings, squares, and places to which it is visually related.

(9) Walls of Continuity. Appurtenances of a building or site, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings and places to which it is visually related.

(10) Scale of a Building. The size of a building and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings and places to which it is visually related.

(11) Directional Expression of Front Elevation. A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or nondirectional character.

(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

§ 156.09 PRESERVATION OF HISTORICAL AND ARCHITECTURAL CHARACTER UPON ALTERATION OR RELOCATION MANDATED.

(A) A historic building or structure or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving and signs may be moved, reconstructed, altered or maintained only in a manner that will preserve the historical and architectural character of the building, structure or appurtenance.

(B) A historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with subsection (A) above.
(Ord. 2003-06-18, passed 7-14-03)

§ 156.10 APPEAL PROVISIONS.

(A) The purpose of this section is to preserve historic buildings that are important to the education, culture, traditions and economic values of the city and to afford the city, historical organizations, property owners and other interested persons the opportunity to acquire or to arrange for the preservation of these buildings.

(B) If the Commission denies the issuance of a certificate of appropriateness for the demolition of a building, structure or site, a demolition permit may be issued by other agencies and a building, structure or site may be demolished, but only after the property owner has demonstrated to the Commission that the historic building, structure or site is incapable of earning an economic return on its value, as appraised by a licensed real estate appraiser.

(C) Notice of the proposed demolition must be given for a period fixed by the Commission based on the Commission's classification on the approved map, but not less than 60 days nor more than one year. Notice must be posted premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, the notice must be published in a newspaper of general local circulation at least three times before demolition, with the first publication not more than 15 days after the application for a permit to demolish is filed, and the final publication at least 15 days before the date of the permit.

(D) The Commission may approve a certificate of appropriateness at any time during the notice period under subsection (C) above. If the certificate of appropriateness is approved, a demolition permit shall be issued without further delay, and demolition may proceed.
(Ord. 2003-06-18, passed 7-14-03)

§ 156.11 MAINTENANCE.

(A) Historic buildings, structures and sites shall be maintained to meet the applicable requirements established under state statute for building generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.

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(B) Ordinary Repairs and Maintenance. Nothing in this section shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location or external visual appearance of any structure, or part thereof.

(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

§ 156.12 RELATIONSHIP WITH ZONING DISTRICTS.

Zoning districts lying within the boundaries of the historic district are subject to regulations for both the zoning district and the historic district. If there is a conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements shall apply. (Ord. 2003-06-18, passed 7-14-03)

§ 156.13 INTERESTED PARTIES.

(A) An interested party, as defined in § 156.01(B), has a private right of action to enforce and prevent violation of the provisions of this chapter or an ordinance adopted by the city under this chapter, and with respect to any building, structure or site within a historic district, and has the right to restrain, enjoin or enforce by restraining order or injunction, temporarily or permanently, any person from violating a provision of this chapter or an ordinance adopted under this chapter.

(B) The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this section.

(C) The interested party bringing an action under this section does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice.

(D) The interested party that brings an action under this section is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without a reasonable belief that a provision of this chapter, or an ordinance adopted by a unit under this chapter, had been, or was about to be violated.

(E) An interested party who obtains a favorable judgment in an action under this section may recover reasonable attorney fees and court costs from the person against whom judgment was rendered.

(F) An action arising under this section must be brought in the circuit or superior court of the county in which the historic district lies and no change of venue from the county shall be allowed in the action.

(G) The remedy provided in this section is in addition to other remedies that may be available at law or in equity. (Ord. 2003-06-18, passed 7-14-03)

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§ 156.99 PENALTY.

(A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise who violates any provision of this chapter shall be subject to a fine as follows, for each offense:

- (1) Not less than \$10 nor more than \$2,500 for demolition; and
- (2) Not less than \$10 nor more than \$300 for all other offenses.

(B) Each day of the existence of any violation of this chapter shall be a separate offense.

(C) The erection, construction, enlargement, alteration, repair, demolition, color change, moving or maintenance of any building, structure or appurtenance which is begun, continued or maintained contrary to any provisions of this chapter is hereby declared to be a nuisance and in violation of this chapter and unlawful. The city may institute a suit for injunction in the City Court of Crown Point to restrain any person or government unit from violating any provision of this chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who is adversely affected by the violation of any provision of this chapter.

(D) The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(Ord. 1275, passed 7-5-83; Am. Ord. 2003-06-18, passed 7-14-03)

